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TRANSCRIPT OF PROCEEDINGS: PROGRESS EVALUATION MEETING IN THE MATTER OF POLLUTION OF THE INTERSTATE WATERS OF THE MISSOURI RIVER, OMAHA, NEBRASKA, AREA (NEBRASKA-IOWA-MISSOURI-KANSAS). HELD AT OMAHA, NEBRASKA ON 8 MARCH 1967

Federal Water Pollution Control Administration
Washington, D. C.

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PROGRESS EVALUATION MEETING

in the matter of Pollution of the
Interstate Waters of the
MISSOURI RIVER, OMAHA, NEBRASKA, AREA
(Nebraska-Iowa-Missouri-Kansas)

TRANSCRIPT OF PROCEEDINGS

March 8, 1967

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Omaha, Nebraska

Federal Water Pollution Control Administration
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117

TABLE OF CONTENTS

Page

Opening statement by Chairman Murray Stein 4

Presentation by Nebraska:

Mr. T. A. Filipi 7
Mr. William E. Korbitz 7
Mr. Robert J. Kutak 19
Mayor A. V. Sorensen 26
Mr. James B. Siebken 26
Mr. Robert W. Ruppert 29

Statement by Mr. Jack K. Smith for Missouri 35

Statement by Mr. Melville W. Gray for Kansas 37

Statement by Mr. R. J. Schliekelman for Iowa 37

Federal presentation:

Introductions by Mr. Herbert C. Clare 38
Mr. Lorin F. Otto, Corps of Engineers 40
Mr. Aleck Alexander, Public Health Service 42

General discussion 44

Summary 53

PROCEEDINGS

The meeting convened at 10 o'clock a.m. on Wednesday, March 8, 1967, at the Sheraton-Fontenelle Hotel, Omaha, Nebraska.

PRESIDING:

Murray Stein, Assistant Commissioner Enforcement, Federal Water Pollution Control Administration, U. S. Department of the Interior, Washington, D. C.

CONFEREES:

R. J. Schliekelman, Iowa State Department of Health;
Melville W. Gray, Kansas State Department of Health;
Jack K. Smith, Missouri State Water Pollution Board;
E. A. Rogers, M. D., Nebraska Department of Health;
J. D. Samson, Nebraska Water Pollution Control Council;
Herbert C. Clare, Acting Regional Director, Federal Water Pollution Control Administration, Missouri Basin Region, U. S. Department of the Interior, Kansas City, Missouri.

PARTICIPANTS:

A. V. Sorensen, Mayor, Omaha, Nebraska;
William E. Korbitz, Public Works Director, Omaha;
Charles A. Geisler, City Sanitary Engineer, Omaha;
Gene A. Jordan, City Engineer, Omaha;
James B. Siebken, Project Engineer, Kirkham-Michael & Associates, Omaha;
Robert W. Ruppert, Project Director, Carver-Greenfield, Omaha;
Sam Greenberg, President Omaha Pollution Control Corporation, Omaha;
Mrs. Bruce H. Stafford, Secretary-Treasurer, Omaha Pollution Control Corporation, Omaha;
Donald G. Lamp, Board Member, Omaha Pollution Control Corporation, Omaha;
Mrs. Rheta Piere, FWPCA, Department of the Interior;
Thaddeus Rajda, Department of the Interior;
Robert J. Kutak, Attorney, Omaha Pollution Control Corporation, Omaha;
Mrs. Cecil A. Johnson, President-Elect, League of Women Voters of Omaha;
T. A. Filipi, Secretary, Nebraska Water Pollution Control Commission, Lincoln, Nebraska;
Lorin F. Otto, Chief Operations, Corps of Engineers, Omaha;
James Coats, Area Supervisor, Bureau of Sport Fisheries and Wildlife, Grand Island, Nebraska;
Ivan Haychausen, Fishery Biologist, U. S. Fish and Wildlife Service, Grand Island, Nebraska;
D. C. Bondurant, Hydraulic Engineer, U. S. Army Engineer Division, Omaha;
George F. Lucko, Civil Engineer, MPS, Omaha;
Paul L. Harley, Planning Officer, Missouri Basin Region, U. S. Department of the Interior, Omaha;
Aleck Alexander, Director Water Supply Program, U. S. Public Health Service, Department of Health, Education & Welfare, Region VI, Kansas City, Missouri;
William H. Myers, Jr., Administrative Officer, Federal Water Pollution Control Administration, Missouri Basin Region, Kansas City, Missouri;
James W. Bowman, Chief Water Quality Branch, Bureau of Reclamation, Region VII, Denver, Colorado;

Anthony Homyk, District Chief, U. S. Geological Survey, Water Resources, Rolla, Missouri;
Evan D. Dildine, Program Director, Construction Grants, Missouri Basin Region, Kansas City, Missouri;
Nelson Murdock, Assistant Regional Director (Operations) National Park Service, Omaha;
Garry L. Fisk, Deputy Regional Director, FWPCA-MBR, Kansas City, Missouri;
Carl V. Blomgren, Chief Enforcement Program, FWPCA-MBR, Kansas City, Missouri.

MORNING SESSION

CHAIRMAN STEIN: May we convene?

Omaha is always a nice place to be. As you can see, we are practically starting on time. To get four States, the Federal Government, the city people and everyone here and start on time is probably a good augury for the meeting.

This is a meeting of the Conferees representing the States of Iowa, Kansas, Missouri, Nebraska, and the United States Department of the Interior. The purpose of the meeting is to evaluate progress toward pollution control in the waters covered by the conference in the matter of pollution of the interstate waters of the Missouri River in the Omaha, Nebraska, area.

As many of you may be aware, we are, I hope, by this time old friends. We have been coming back on the Missouri River for 10 or 15 years and we have had previous actions of this kind all up and down the Missouri River system. I think this is one of the rivers on which we have made considerable progress. When we first started these conferences in the mid- '50's--or when we were here even before the '50's--the cities up and down the river were dumping their raw wastes into the river. As a matter of fact, the garbage and trash was collected, hauled to the river and dumped. Some of the places had these old-fashioned dumps by the side of the river, and, every once in a while, a bulldozer would come along and push old washing machines and refrigerators into the river. The refrigerant chemicals would break loose and tend to scald the gills off the fish. This naturally would get people excited. I think we have made considerable progress since.

As a matter of fact, one of the most sophisticated cities then was St. Louis, which, as you know, is way down at the other end. They had 300 tons of garbage and trash a day collected from the greater St. Louis area that they took down, ground up and just flushed into the river untreated. I guess the notion was if they did this, people wouldn't see the big pieces. We have largely stopped that.

As you people know, another problem, we have had on the river is that every one of the cities downstream, and upstream too, uses the Missouri River as a source of drinking water supply. So the wastes of one city would go down and, of course, be amalgamated in however dilute a form into the drinking water of the city downstream. In other words, when you start with Yankton, Vermillion, Dakota City and Sioux City, they dump; then you have the big ones, Omaha and Council Bluffs, they dump; you have St. Joseph, it dumps; you have Atchison and Leavenworth, they dump; you have Kansas City and Independence, Missouri--all the way down to St. Louis, each neighbor would be treating its downstream neighbor in the same cavalier manner. As one fellow said at one of our conferences recently, "They would keep on sending their best to their neighbors downstream."

We have had a tremendous response here from the state agencies, the cities and the industries in going along with the problem. Our first conference here, though, was held in 1957, which was quite a long time ago. There were a series of events in Omaha which I think led to the delays that we have encountered. These were not peculiar to water pollution control necessarily; they were peculiar to dealing with an American city in a democracy. You might have had the same problem with other public works programs.

In a democracy we must move forward. We try to give full credence, faith, credit, and certainly comity to the wishes of the states. We try to do the same with respect to the wishes of the city. We need to show the people what we are trying to do, and we need their forbearance. This is a very difficult situation. To my mind, we are dealing with one of the most, if not the most, difficult socio-legal-economic problems of the second half of the Twentieth Century--with one instrumentality of government asking another instrumentality of government to do something which possibly it is not quite ready to do. The laws, public policy and the feelings of the people sometimes appear to be in conflict. But the laws are in reality just the synthesis of what the people want. The administration of these laws is a delicate and difficult task.

We have to try to get the States and the Federal Government seeing eye to eye. I hope we have. We then try to get the communities and industries seeing eye to eye. Sometimes the process seems a little abrasive. But while it may seem harsh, it works out.

We have had the same kind of philosophical problem in other cities. For example, in the Kansas City area there was a question of what the City Council wanted to do with the rate structure. I think if I were a citizen of Kansas City I might have been opposed to that. Maybe I wouldn't; I don't know. You never know how you are going to react to a given situation, unless you live in the locality. As a Federal official and with Jack Smith as a state official I think the problem here was to determine to what extent we would go along with the proposal of Kansas City. It was not whether we personally agreed with it. But the important point was would it do the job.

In a sense, we are faced with the same problem in Omaha. Speaking for the Federal Government, our view is that any kind of reasonable structure or arrangement that will do the job, as long as the job gets done within a reasonable time, will be the one we endorse.

We in the Federal Government and these other States have an obligation. Our job in this case, in particular, is to see that we don't have interstate pollution, i.e., pollution in one state which endangers the health or welfare of persons in another state. We have representatives here from the city of Omaha, the State of Nebraska, and three other States. The question confronting us here is--and I will call on Jack Smith, who represents the State most immediately affected downstream--that certainly Iowa, Missouri and Kansas have a right to expect reasonably clean water coming from Nebraska into those States, and we in the Federal Government have an obligation to see that this is done, and we have to see that the program is set up to do this within a reasonable time.

Our meeting here is to determine the progress that has been made in this area. I think--and I don't want to draw a conclusion before we start--that this is a situation in which all the people are trying. In other words, we don't have a situation in which the State says, "Feds get out," or the state is battling with the city and the city says "get out," or they are recalcitrant or anything of that kind. I think in dealing with this problem we are all sophisticated enough to realize that the area of state and city rights is complicated and we are all going to have to work together. I think in this case we are working together. But I think we must first get the views of all the conferees to see if we are on the right track.

The conferees here are as follows:

Iowa is being represented by Mr. R. J. Schliekelman. Do you want to raise your hand so they will see who you are when I call your name?

Most of these people and ourselves, you might like to know how this goes on, are really old colleagues and we have probably worked together for more than a decade. As you know, this is like any other field, people know each other pretty well.

The Kansas State Department of Health is being represented by Mr. Melville Gray.

The representatives of the Nebraska Department of Health and the Council, Water

Pollution Control Council, are Mr. John D. Samson and Dr. E. A. Rogers.

And the Missouri State Water Pollution Board is being represented by Mr. Jack Smith.

The Federal conferee is Mr. Herbert C. Clare, who is Director for this region for the Federal Water Pollution Control Administration of the Department of the Interior.

And my name is Murray Stein. I am from headquarters of the Department of the Interior and the representative of Secretary Udall.

In accordance with the new law, participation in the meeting will be open to the states, those invitees of the states and such people, who wish to make their views known, and let me have their names. I would suggest that you go to your State agency and let the State do this, because we are going to ask the States to manage their own time here. We found this to be most successful.

What we propose to do here because of the nature of this meeting--and I have had some preliminary discussion with some of the conferees--is to call on Nebraska first. I think the sole question here is to determine just what the status is, what the progress is, what still has to be done, if anything, and then we will call on the various other States for their statements of the effect of pollution and the proposals that the States may wish to make. Then we will have a discussion among the conferees and hope to come up with some conclusions and recommendations that I can carry back to the Department of the Interior and that you people can take home. I hope these will be unanimous.

Do you have anyone, Mr. Clare, you wish to introduce before we start?

MR. CLARE: Well, there are representatives of several Federal agencies here, but why don't we wait until after we hear from the States and the city, if that is all right.

CHAIRMAN STEIN: All right. Thank you.

Mr. Samson, will you take over for Nebraska?

MR. SAMSON: All right. We have quite a number of folks here that are interested this morning, and I am going to throw the ball--I know this is very shocking, because I haven't talked to him before--to Mr. Filipi.

Will you start out, Mr. Filipi? Do you have some remarks that you wish to make as far as the State, on the State level, is concerned?

MR. FILIPI: Yes, this is a shock, because I didn't expect this.

MR. SAMSON: No, I realize that.

CHAIRMAN STEIN: I wonder if you could come up and talk more directly to the audience? Do we have a lectern? Why don't we push it up here, Ted? The other participants can come up, so the audience can see and hear them better.

I should point out that Mrs. Virginia Rankin is making a verbatim transcript of this conference. I have also worked with Virginia for a long time. She is one of the best court reporters in this part of the country. By the way, she is a private, non-governmental contractor. If anyone wants a copy of the record in a big hurry, he will have to make his own arrangements with Virginia. I doubt whether that will be free.

Mr. Filipi.

MR. FILIPI: Conferees, the Nebraska Water Pollution Control Council and the Nebraska Department of Health have been working very closely with the municipal officials of Omaha in seeking ways and means in which the water pollution control problem at Omaha could be solved. I wish to say at all times we were given assurance and we are firmly convinced that the city officials of Omaha are doing all in their power to correct the problem that now exists, and at no time have we found them to be shirking in any way possible or even making any attempt not to move ahead to solve this problem for the benefit of the Missouri River, to insure that the quality of the waters of the Missouri will be such that they can be made use of downstream.

We have had many conferences within the last year, both administrative and technical, from the standpoint of engineering and other details. Coming from these conferences we were always pleased with the progress that was being made. I will not bother this group today to explain all the pitfalls that were placed before the city officials in achieving the status that they have today. I assure you that the city was conscientious and used every means that was legal, even passing ordinances to make things legal that perhaps were not legal before in order that this job be accomplished.

I will not bother you with further details because I think these will all be spelled out by reports given by representatives of the city of Omaha and by a report from the technical committee which met yesterday to evaluate the work that is being proposed. I will be glad to answer any questions, Mr. Chairman.

CHAIRMAN STEIN: Are there any questions or comments? If not, thank you very much.

MR. SAMSON: Mr. Filipi, will that report from the technical committee be presented for the benefit of the conferees sometime this morning?

MR. FILIPI: I think Mr. Clare will call for that report, will you not?

MR. CLARE: Yes, there will be a brief report of the proceedings yesterday. However, the final report* will be made a part of the proceedings.

MR. SAMSON: Fine. Thank you.

CHAIRMAN STEIN: And I should indicate that in due time, to use the phrase, these proceedings will be printed and will be made available to you through the States. If you want to wait that long, you may get them free.

MR. FILIPI: Mr. Chairman, I think it will save time if we hear from the other persons first, because I think our technical report will more or less duplicate some of the reports that are going to be given to you today by other persons.

CHAIRMAN STEIN: All right. Thank you.

We will call on Mr. Samson of Nebraska. You are in charge of your own time. You may call on these people as you wish.

MR. SAMSON: I would like to now present for the consideration of the group and of the conferees Mr. Korbitz, Public Works Director of the city of Omaha.

Mr. Korbitz, we will be pleased to hear from you.

MR. KORBITZ: Members of the conference, Mayor Sorensen asked me to present the city statement of progress made in this matter during the past 11 or 12 months. I think you are fully aware of his great interest in this matter and of the tremendous amount

See Appendix I

of personal time he has expended toward correction of this pollution problem in the Omaha area.

We have a prepared statement* which I will basically read. Hopefully I will not stray from it. The reporter has a copy of it and we have numerous copies of this statement which we will provide to all members of the conference and anyone else who may wish to have it.

At the conclusion of the March 29, 1966, progress evaluation meeting in Omaha the city of Omaha pledged to the conferees that we would proceed with due diligence toward temporary and ultimate permanent abatement of pollution of the Missouri River by Omaha waste waters. I am pleased to now be in a position to report the results of our efforts during these intervening eleven months.

At the March 29, 1966, meeting we promised to the conferees the following:

That the city of Omaha would request all of the Omaha packing industry representatives to provide a maximum removal of grease from their wastes during the period of design and construction of permanent packing waste collection and treatment facilities.

We promised that the city of Omaha would provide an improved removal of grease from the Monroe Street outlet channel either with the city forces or by contract, this also to be accomplished during the interim period during construction and design of the permanent facilities.

We also promised that the city of Omaha, the Omaha packing industry representatives, the Omaha Pollution Control Corporation and the Carver-Greenfield, Incorporated, would proceed expeditiously with the design, financing and construction of the proposed packing waste collection and treatment facilities.

And finally, we promised to the conferees that the city of Omaha would perform the necessary industrial wastes sampling and testing activities toward keeping troublesome industrial wastes out of the Omaha public sewers.

Today I can report to the conferees that we in Omaha have kept faith with you, and that our efforts and results of the past year have justified your understanding and patience. I can report today that our efforts have brought about significant temporary pollution abatement and have brought permanent pollution abatement in the Omaha area to within our grasp.

Temporary grease removal achievements during the past year are as follows:

Meetings with representatives of each of the Omaha packing plants brought forth their pledge that they would exert every economical effort toward keeping non-edible grease from entering the public sewer system. On April 1st the local packing plants were removing approximately 10,000 pounds per day of non-edible grease from their wastes before the wastes went into the public sewers. Following our meetings with them and their pledge to do everything they could economically, we found that these additional efforts by the packing industry increased this non-edible grease removal to approximately 30,000 pounds per day, or an increase of about 20,000 pounds per day of additional grease removal. This was accomplished in many ways, by installation of new grease skimming equipment, new or improved grease removal basins, better control and cleaning of screens in their floor drains, new centrifuges and generally an improvement in the employee indoctrination procedures, procedures concerning housekeeping in the plants. This additional 20,000 pounds per day of grease removal by the packing industry members themselves means that during the past year, since March 29th, the individual packing plant employees have kept approximately four million additional pounds of grease out of the Missouri River.

See Appendix II

To me this is significant.

Also the contract for grease skimming at the Monroe Street outlet channel which we had with a private contractor was terminated because of his inadequate performance in grease skimming. A new contract for the skimming of grease was awarded and the removal of grease from the Monroe Street outlet channel now averages 10,000 pounds per day as compared to about 2,500 pounds per day under the previous contract. Although the actual amount of grease removed admittedly is relatively small, the improvement is considerable, four times as much, approximately.

Likewise our city of Omaha industrial waste testing team has been routinely engaged in sampling and testing of industrial wastes and tracing improper discharges back to their origin. As you are well aware, this is a continuous job, but it has brought about reduction and removal of several undesirable industrial waste discharges into the Omaha public sewers.

In the pursuit of our ultimate permanent abatement of Missouri River pollution at Omaha, great progress has been achieved on the proposed packing wastes disposal system by the city of Omaha, the Omaha packing industry, the Omaha Pollution Control Corporation, and Carver-Greenfield, Inc.

Commencing with March 29, 1966, the date of the previous meeting of these conferees, specific achievements have been as follows:

On March 29 the Omaha Pollution Control Corporation was incorporated.

On May 10, 1966, the Omaha voters approved a $1.2 million bond issue to pay for a portion of the $6 million packing waste collection and treatment facilities.

On December 1 of last year contracts were signed between the city of Omaha and the Omaha Pollution Control Corporation for financing and control of the facilities, another contract between the city of Omaha and the individual packing plant management setting forth the packing industry participation and responsibilities, and a third contract between the city of Omaha and Carver-Greenfield, Inc., for operation and maintenance of the facilities.

On December 20 of last year I sent to the Regional Director of the Federal Water Pollution Control Administration in Kansas City a schedule of critical dates in our proposed packing waste system design and construction. This schedule indicates that the facilities will be in operation by June 1 of 1968, and as of today we are on schedule.

On March 1, 1967, just a week ago, representatives of Kirkham-Michael & Associates, the designers of these facilities, met with representatives of the Nebraska Department of Health and the city of Omaha for a review of the preliminary plans of the collecting sewer and treatment facilities. The collecting sewer design is acceptable to us and the basic design criteria for the solids removal facilities are also acceptable. The Carver-Greenfield, Inc., engineers are presently conducting pilot plant studies on grease removal at St. Joseph, Missouri, and Omaha. The results of these pilot plant studies will form the basis for detailed design of the grease removal facilities.

For a statement as to the present financial status of the Omaha packing waste disposal system Mr. Robert Kutak, attorney for the Omaha Pollution Control Corporation, is present and has requested the opportunity to speak briefly to the conferees.

The schedule for the balance of our packing waste disposal project is as follows:

May 20, 1967, completion of final design of all of the facilities.

July 1, 1967, advertisement for bids for all of the facilities.

August 15, 1967, commencement of construction of our facilities.

May 1, 1968, completion of the construction of all the required facilities.

June 1, 1968, plan to place all of the required facilities in complete operation.

As of the date of this meeting, as I said earlier, we are on schedule and we expect to meet every date on this schedule.

The city of Omaha has filed an application for a Federal grant to financially assist in this project, but as of this date we have not received word of any decision as to the amount of grant to be authorized. We intend to proceed with the project without any delay due to the Federal grant application, but, of course, an early grant authorization will certainly clarify the financial aspects of this project.

Additional progress in our Omaha pollution abatement program involves three grit removal facilities which are required on the interceptor system along the Missouri River. These facilities are unrelated, are not related to the packing waste situation. These facilities will remove a grit problem in the interceptor system north of the Missouri River treatment plant and also prevent grit and trash problems in the interceptors which bring wastes from the Monroe Street outlet and the South Omaha outlet into the south complex of the Missouri River treatment plant. A Federal grant has been approved for these facilities, and plans for the Minne Lusa facility, the northerly of the three facilities, are now being reviewed by the Federal Water Pollution Control Administration prior to advertisement for bids for construction. Plans for the two other grit removal facilities will probably be completed within the next 60 days.

In summary, we in Omaha are pleased to report the extensive progress which we have made during the past year, notably:

Maximum effort and results to provide economically feasible temporary grease removal by the packing industries and the city of Omaha have been accomplished.

We are on schedule with the design and financing of the packing waste disposal system. We expect to commence construction, complete construction and commence operation of the facilities in accordance with the schedule included in this statement.

The city of Omaha is proceeding with grit removal facilities which are the only other facilities which are required to enable us to end the Omaha area pollution of the Missouri River.

We are confident that the Federal Government will do all within their power, especially with financial participation, to help us solve this pollution abatement problem.

At a meeting with the technical committee yesterday, there was an inquiry about the amendment of the Omaha industrial waste ordinance, something we spoke of a year ago. In checking the record, I found that the ordinance* had been amended on March 1, 1966, and this was reported to these conferees on March 29, 1966. For your reminder, these amendments included a prohibition against the packing industries placing any paunch content into public sewers. It included a reduction in the suspended solids limit from 800 parts per million down to 400 parts per million in the Missouri River treatment plant service area, and also placed an effective date for the amended industrial waste ordinance of December 15, 1966.

And in addition to Mr. Kutak being here to speak for the Omaha Pollution Control

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*See Appendix III

Corporation, we have with us a representative of the design engineers, Kirkham-Michael & Associates, Mr. James Siebken, and I would request that after Mr. Kutak has made his presentation that Mr. Siebken be given the opportunity to provide a brief technical explanation of the proposed packing waste collection and treatment system.

I will be happy to attempt to answer any questions from the conferees.

Thank you.

CHAIRMAN STEIN: Thank you, Mr. Korbitz. This is a little more complicated and bolder program.

MR. KORBITZ: Yes, sir, it certainly is.

CHAIRMAN STEIN: Before we throw this open to the conferees, I would like to ask you to thank Mayor Sorensen for his cooperation. I think the essential part here is to keep the lines of communication and the dialogue open. Since the Mayor has taken office, there has never been a time, whatever the difficulty, whatever the problem, that we haven't kept the conversations going back and forth. That is the way that we move forward. Again, I would like you to thank the Mayor for his cooperative attitude.

As you can appreciate, the questions here are very complex--1) method, 2) details of how to do it, and not the effect. I think by listening to the city, it is pretty evident that we all want to accomplish the same thing.

May we throw this open to questions? Do you have any down here, first?

MR. SCHLIEKELMAN: Well, I have a question, Mr. Korbitz. You say that the city of Omaha has filed an application for a Federal grant. Has that been specifically done, I mean formally done?

MR. KORBITZ: Yes. We have filed the appropriate application, more than just an inquiry. We have filed the application following the meeting with the technical committee yesterday. Now we have every intention of filing two additional applications to be sure that we will be in a position to qualify for whichever of the Federal grant programs this project may qualify under. So that if we do not qualify under our existing application, we hopefully will qualify under one of the other two procedures.

CHAIRMAN STEIN: Mr. Smith?

MR. SMITH: Mr. Korbitz, you spoke of the amount of grease that you were removing, which I understand is 30,000 pounds per day and 10,000, 30,000 by the industry and 10,000 by the city, and that totals approximately 40,000 pounds. Now, what is the total grease load in Omaha at the present time? Can you indicate what this might be?

MR. KORBITZ: According to the various samplings and testings which have been done over the past number of years, four, five, six years, our estimate, and this is all we can give is an estimate, ranges anywhere from a total grease going into the river of from 40,000 to 80,000 pounds. Based on some work done several years ago, the total grease load from the packing industry would probably be in excess of 100,000 pounds per day. Now, which would mean, taking between 30,000 and 40,000 pounds per day out of that, we would have between 60,000 and 70,000 pounds per day going into the river.

On the other hand, based on the Stearns-Roger feasibility report dealing with this matter, it would appear that possibly the amount of grease now going into the river from the Monroe Street outlet and the South Omaha outlet which is going untreated into the river would be somewhere between 40,000 and 50,000 pounds per day. But I would think the best estimate we can give is somewhere between 40,000 and 70,000 pounds per day.

MR. SMITH: At the present time?

MR. KORBITZ: Yes, sir.

MR. SMITH: Thank you.

CHAIRMAN STEIN: Any questions? Mr. Samson?

MR. SAMSON: I have a couple of questions. Maybe I missed it, Mr. Korbitz, but didn't you spend most of your time there on grease removal? Did you develop anything on paunch removal?

MR. KORBITZ: The solids removal situation I believe I should--I was in error in not mentioning it. The solids removal, basically paunch content or paunch manure or rumen content removal, by these efforts of the packing industry have been relatively small in comparison with the total quantity, and this is probably why I neglected to mention it.

But they have been removing between 6,000 and 8,000 pounds per day of paunch material and heavy solids from the wastes before they go into the public sewer, so--

CHAIRMAN STEIN: They are removing it at the source?

MR. KORBITZ: Yes, sir.

CHAIRMAN STEIN: What do they do with it then?

MR. KORBITZ: I didn't even bother to ask, Mr. Stein. I was just thankful that something was being done and let it go at that.

CHAIRMAN STEIN: All right.

MR. KORBITZ: But I believe basically it is a screening operation of some type.

MR. SAMSON: Now, this facility that you speak about, are there provisions in this facility for the removal of paunch manure?

MR. KORBITZ: The permanent facility?

MR. SAMSON: Yes.

MR. KORBITZ: Yes, sir, the treatment facilities will basically be a solids removal facility by gravity and a separate grease removal facility, two adjacent units, one to take the heavy solids out from the bottom of the basins and the other basically to remove grease from the surface of the waste in the tank. So we intend to provide an effluent from the packing waste treatment facilities which would correspond to a normal domestic waste, something which would have in the vicinity of 250 to 300 parts per million of suspended solids.

MR. SAMSON: I have one more question. I think it would be of interest to the conferees to have a short report from you on the present status of the Missouri River as well as the Papillion Creek plants, I mean on their operation, their efficiency, and the general overall operational report on those two facilities, if that is readily available from you, Mr. Korbitz.

MR. KORBITZ: I think in general terms we can state that the north complex of the Missouri River treatment plant is operating properly. The south complex, of course, is not being operated because we cannot place--we cannot route waste into it through the Monroe Street interceptor. This is what the whole problem is about.

CHAIRMAN STEIN: By the way, let me join with Mr. Samson here, because I had the same question in mind. With your north interceptor are you picking up all the wastes on that side, on the north part of your plant?

MR. KORBITZ: Yes, sir.

CHAIRMAN STEIN: You are not bypassing any?

MR. KORBITZ: Only occasionally when equipment breaks down, or we have some emergency situation develop, of course, in order to repair it we must bypass temporarily.

CHAIRMAN STEIN: Do you have any notion as to the reduction you have been getting in terms of solids and BOD removal of the stuff you have been running through on that north side?

MR. KORBITZ: On the north side, as I recall from operational reports, the solids removal has been what would be expected in the primary plant, around 60 to 70 percent, and the BOD I think has been around 30 percent, 30 to 35 percent.

MR. SAMSON: Now, what about the Papillion Creek plant, Mr. Korbitz?

MR. KORBITZ: The Harrison Street plant or the Papillion Creek plant, as you probably are aware, is a complete treatment facility or a secondary plant utilizing biological treatment as well as physical or mechanical type of separation, and at the present time the plant from a capacity standpoint is overloaded. We are operating in excess of the capacity of the plant, but thus far we have not impaired the quality of the Papillion Creek. This, I feel, is strictly because of the unusually good quality of operation of the facility. Our people have done a number of things out there far beyond what normal operation of a secondary treatment plant would include, and as a result of it our tests, our dissolved oxygen BOD tests and such, especially dissolved oxygen tests down the Papillion Creek, indicates that we are not pulling the dissolved oxygen level in the Papillion Creek down anywhere near an unsafe level for fish life, for example. I think we have been keeping it up; it has been staying up above five and six parts per million at all times.

CHAIRMAN STEIN: We were always lucky in this part with DO. Are you chlorinating your effluent?

MR. KORBITZ: I don't know. Are we?

MR. GEISLER: Occasionally.

MR. KORBITZ: Probably the answer is no.

CHAIRMAN STEIN: Only in the warmer months of the year?

Have you considered year-round chlorination?

MR. GEISLER: No, not part of the operation of the plant. This is one of the features that Mr. Korbitz was explaining we have done in order to improve the quality.

CHAIRMAN STEIN: I understand that. But, our problem in the waters up here has rarely been a deficiency in dissolved oxygen. You know, we have to be thankful for whatever natural favors we get. The Missouri River was always this way. Even in the worst days, we had an abundant oxygen load, almost to the saturation point. However, we are dealing here with pathogens, microbes, bugs, viruses, etc., and particularly in a tributary the notion is to keep these as low as possible. Throughout the country the trend has been toward more and more plants to extend their chlorination or disinfection of the effluent, and more and more of them are going to year-round chlorination. This may be something that should be considered; I don't know.

MR. KORBITZ: Well, in answer to your question, Mr. Stein, I will give you the answer, yes, we are seriously considering full-time chlorination.

CHAIRMAN STEIN: Yes.

MR. KORBITZ: Year-round chlorination.

CHAIRMAN STEIN: Now, one more specific questions. In terms of BOD removal on the Papillion Creek plant, do you have a figure on about what your reduction is?

MR. KORBITZ: I think it has been running around 75, 80 percent.

MR. GEISLER: Higher than that.

MR. KORBITZ: Usually.

MR. GEISLER: In fact, it is averaging about 85 percent.

MR. GRAY: What is the raw load?

MR. GEISLER: Coming into this plant raw it averages around 300 parts per million, and we are going out on an average of anywhere from 60 to 80 parts per million.

CHAIRMAN STEIN: Is this an activated sludge plant?

MR. KORBITZ: Yes, sir.

MR. GEISLER: Yes, sir.

MR. SAMSON: I had one more question, Mr. Korbitz. Do you have any information, either direct or indirect, on quantities of grease, I am speaking of larger quantities of grease, being placed into the Missouri River below Blair and above Kansas City or above Atchison, excepting this Omaha problem?

MR. KORBITZ: No, I think in general terms, we are certain that there is a lot of grease going into the Missouri River other than in the Omaha area, and I know we have discussed this with Mr. Filipi on a number of occasions about the desirability of having a stream sampling and testing program set up for the Missouri River all the way from perhaps two or three hundred miles upstream from Omaha all the way to the mouth of the Missouri River.

CHAIRMAN STEIN: I am glad you brought this up. I wish we would all get into this. Maybe Mr. Smith and some other people would want to talk about this; but I want to tag the problem and identify it. If you are talking in terms of large sources of grease coming from anywhere other than Omaha, it would seem to me that these sources are of such large quantities that you really can't hide them. This isn't the kind of thing that someone surreptitiously can put out between midnight and 5 minutes after 12 on dark nights, every once in a while, and get away with. It should not be hard to find.

Now, this is one of the enigmas of this whole problem that kind of bothers me. I think we have to be aware of every major source of pollution. In fact, we have to be aware of minor sources too if we are going to clean up a river. But if we have the specter rattling around somewhere in the background that there is another really major grease source that no one knows about, I think we should nail that once and for all. Either we find the source or decide that there isn't another source. It seems to me, this is the type question which really can shake the program, and I don't think it is very necessary.

When we talk in terms of a river survey, if we are talking about the quantities that we seem to be, it shouldn't take very long to find out what other sources there are, if any. Because, again, these should be apparent and there are only just a few places that they possibly could originate.

MR. SAMSON: Mr. Korbitz, would you mind giving us the benefit of what conversations you have had or what has been developed or what you know directly or indirectly about any other sources that might be involved?

MR. KORBITZ: The discussions we have had between engineers from Kirkham-Michael & Associates and Mr. Filipi and a number of us in the city of Omaha have been that it would be desirable to provide a sampling of the Missouri River. Now, we realize that it would be difficult to hide a major contributor of grease to the Missouri River, but if there are several thousand relatively small contributors of grease, such as several dozen or several hundred feeding lots and sources of grease to the Missouri River, which I don't know--I have never surveyed the river; as a result, I do not know--but I would think that it would be desirable to determine whether the grease load in the Missouri River 100 miles south of Omaha is appreciably worse than it is 100 miles north of Omaha.

I am not aware that anyone has ever definitely determined this. It would be an expensive, time-consuming project, I realize, and this is probably the only reason it has not as yet been done, but I think it might be beneficial to uncover perhaps numerous small contributors as opposed to one large one.

CHAIRMAN STEIN: I think we will probably call on Mr. Clare, but I would like to give you my experience in other fields on this. You know, this is always an enticing vista to look for these hundreds of thousands of small contributors. When we first came out here, the notion was that the pathogens that were in here weren't necessarily coming from the big cities like Omaha, Council Bluffs, etc., but that they might be running off from all these hundreds and thousands of farms and feed lots.

I think that has been dissipated through the work of one of our outstanding scientists who just recently died, Harold Clark.

Then we had a situation in which we had massive fish kills, about which you may have read, on the Mississippi River, the lower end of the Mississippi River. Again, our scientists believe that this was due to a pesticide, specifically endrin. Endrin is very effective on the tobacco borer, I guess, and the boll weevil. It is equally effective on fish; it kills them all. We went through this very expensive survey and we found that the major source of pollution was the plant manufacturing this in Memphis, Tennessee. Once that was stopped the fish aren't dying any more.

It is always a delightful thing to try to get down to this notion and deal with the question that there just might be 100 or 1,000 or 10,000 different sources, with their little increments, adding their wastes to the river. In order to prove a point like that, as we have in other areas, either we have to have a tremendous scientific breakthrough or it has to be a very expensive proposition. Our experience in other areas has been that we found specific large sources rather than a multiplicity of small sources.

Mr. Clare, do you have anything to say?

MR. CLARE: Yes, I think so.

The conferees will recall that this question has come up before, and before one of our previous meetings we canvassed the State Water Pollution Control Administrators of Nebraska, Kansas, Missouri and Iowa, and also made inquiries at water treatment plants along the Missouri River, beginning with Omaha. We found, and reported in the proceedings at previous meetings, that the Omaha water treatment plant had no problems from grease.* As we go downstream, a great deal of trouble is experienced at St. Joseph. We have heard Mr. Smith report on this before. A lesser amount at Atchison, Leavenworth, and by the time the grease has reached Kansas City the trouble is very minor. They indicate that they can identify the presence of grease, but that it causes no great trouble.

So I think that a report of this which is already in the record would certainly confirm what Mr. Stein has said--that as far as large sources of grease are concerned, the States don't know of them, and the States are represented here today and can either modify or confirm that statement, and the water plants don't experience the troubles that are encountered at St. Joseph.

CHAIRMAN STEIN: Thank you.

MR. CLARE: Mr. Chairman, I have a couple of questions, if I may.

CHAIRMAN STEIN: I think Mr. Smith has one. Let's let the States go first.

MR. SMITH: Mr. Korbitz, you mentioned a while ago that 6,000 to 8,000 pounds of paunch were removed per day by the industry. Would you indicate to us what is the total load again to the sewers? As I recall, this used to be we talked about 300 tons per day.

MR. KORBITZ: Yes, sir.

MR. SMITH: Is this still the best estimate?

MR. KORBITZ: Yes, and it is this relationship which apparently led me to neglect mentioning it (laughter), but I think this was probably wise.

CHAIRMAN STEIN: In other words, I think it is fair to say that the paunch discharged still represents a substantial pollution problem?

MR. KORBITZ: Substantial, yes, sir.

CHAIRMAN STEIN: Thank you.

Mr. Smith?

MR. SMITH: That is all.

CHAIRMAN STEIN: Mr. Clare.

MR. CLARE: Mr. Korbitz, just for the purpose of clarification, the schedule to which you referred in your presentation is a schedule that has been set up by the city as one which you expect to be able to follow? I think this is the first time that the schedule has been presented to the conferees officially. Our Department was advised of the schedule. But am I correct in this understanding?

MR. KORBITZ: Yes, sir, this is right.

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*See Appendix IV.

MR. CLARE: All right.

May I comment just a moment about the grants? The city of Omaha has already received grants--I don't have the exact figure; Mr. Dildine is here and he can give us a better estimate than I can give you, but it must be on the order of several million dollars. Is that correct?

MR. DILDINE: Better than $1 million, $1,500,000.

MR. CLARE: Well--

MR. DILDINE: I can't repeat it exactly.

MR. CLARE: You might get those figures and maybe we might like to put those in the record.

As far as the three grants to which you referred, Mr. Korbitz, as I understand it, one is a demonstration grant by which you hope to get financial assistance from the Federal Government to demonstrate a new method of waste treatment. Is that correct?

MR. KORBITZ: Yes.

MR. CLARE: The other two grants, for which applications have not yet been made, as I understand it, are for a sewer system which, if it is eligible for a grant, would not be eligible under the Federal Water Pollution Control Administration, and the third would be a possibly eligible grant from the Federal Water Pollution Control Administration for treatment facilities.

Now, I can't offer you any encouragement at this time on favorable action on your application that is in at the present time. It is under reconsideration at headquarters.

As far as the others are concerned, of course, we can't give you any indication of eligibility until the applications are received. But I was very glad to hear you say that you intend to get on schedule or stay on schedule regardless of availability of Federal funds.

MR. KORBITZ: May I comment on that schedule?

CHAIRMAN STEIN: Certainly. Go right ahead.

MR. KORBITZ: On the schedule, I thought, Mr. Clare, you were going to ask the question which I will answer now. This schedule of critical dates in the design, construction and placing in operation of our permanent facilities was developed on the basis of extensive discussions with the designers of the collecting sewer and the solids removal equipment facilities, Kirkham-Michael & Associates, as well as the Carver-Greenfield people, who will have separate engineers designing the grease removal and the solids and grease processing. We discussed with them at great length what delays will probably be involved, and only after extensive discussions with them did we come up with this schedule which we feel we can definitely meet.

About 30 days slippage was inserted into the schedule, so that if everything works perfectly, as we know it cannot possibly, we would be able to finish in advance of these dates, whatever steps are indicated.

CHAIRMAN STEIN: Does that include your financing?

MR. KORBITZ: So far, yes, sir.

CHAIRMAN STEIN: I mean this schedule is contingent on your financing coming through?

MR. KORBITZ: Yes, sir. Somewhere along the line, of course, when we are ready to let contracts and we have no money, we will lose out on our scheduling, but we have no intention of being without money. We don't do things negatively in Omaha.

CHAIRMAN STEIN: I hope not. I don't want to pre-empt the function of your legal advisers here; but if you didn't have money, I would suggest you didn't sign the contract too. (Laughter)

MR. KORBITZ: That is excellent advice.

CHAIRMAN STEIN: Mr. Smith?

MR. SMITH: I wanted to ask one question. Mr. Clare spoke of a grant request for a new process of sewage treatment. Are you referring to this solids removal, grease removal that Mr. Korbitz is talking about?

MR. CLARE: Yes, that is what I was referring to. And we will have a description of that, as I understand it, from the design engineers. That is what I was referring to.

CHAIRMAN STEIN: Any further comment, question?

If not, thank you very much. This has been a very illuminating statement.

MR. CLARE: If Mr. Dildine is ready, could you give us an estimate, Mr. Dildine, of the amount of grants to Omaha so far, offers, grant offers?

MR. DILDINE: The Missouri River system has received a total of grant offers of $1,350,000; in the Papillion Creek system there has been a total of $392,000; for a total of $1,742,000. Of these amounts, we still have not paid approximately $380,000 due to the fact that half of the Missouri River plant is not functioning.

This figure does not include the current grant on the grit removal facilities. I don't have that figure with me. It is $380,000? $380,000 on the grit facilities which would be added to these figures.

MR. CLARE: The total then would be somewhat in excess of $2 million.

MR. DILDINE: Right at it.

MR. CLARE: Right at $2 million.

MR. DILDINE: $2,100,000.

MR. CLARE: Thank you.

CHAIRMAN STEIN: Thank you, Mr. Clare.

MR. SAMSON: Mr. Chairman, I next would like to call on my good friend and neighbor counsel, Mr. Kutak, who represents the Omaha Water Pollution Control Corporation.

Mr. Kutak.

MR. KUTAK: Thank you, Mr. Samson.

*Mr. Chairman, my name is Robert J. Kutak. I am an attorney with the firm of Kutak, Rock & Campbell, which represents the Omaha Pollution Control Corporation. This is the corporation which is constructing the collecting sewers, recovery basins, dewatering apparatus and process plant to remove paunch manure, animal grease and other wastes from the packing houses.

With me is Mr. Sam Greenberg and Donald Lamp and Mrs. Betsy Stafford, who, together with Messrs. Dominic Cosentino, John McCollister and Tom Quinlan, comprise the directors and officers of the corporation. For the benefit of the conferees, Mr. Chairman, I wonder if Mr. Greenberg, Mr. Lamp and Mrs. Stafford would stand and just let the others recognize you. Thank you.

The corporation, a non-profit corporation, was incorporated at the request of Mayor Sorensen nearly a year ago, and these individuals have given unstintingly of their time throughout this period without pay to accomplish a purpose of critical concern to all Omaha.

As you have been advised, a lease-purchase agreement was entered into between the corporation and the city on December 1, 1966. On the same day the city entered into an operating agreement with Carver-Greenfield Omaha, Inc., and with all of the packers but one.

Immediately upon signing the lease-purchase agreement with the city, the Omaha Pollution Control Corporation entered into an engineering and construction contract with Carver-Greenfield Corporation.

Mr. Chairman, the project engineer for the Carver-Greenfield Corporation, Mr. Robert Ruppert, is in the room. Perhaps he would stand and be recognized.

The Omaha Pollution Control Corporation receives monthly reports from this firm on the 5th day of each month, copies of which are sent to Mr. Korbitz and Mr. Meier of Kirkham-Michael & Associates. I can advise you that the current report indicates completion of 20 percent of the engineering phase of the overall plant facility, which represents an on-schedule posture.

The firm expects to have all of its engineering work done by June 1 and to break ground and enter into the construction phase soon thereafter.

At the same time that the corporation signed an engineering and construction contract with the Carver-Greenfield Corporation, the board of directors of the Omaha Pollution Control Corporation authorized a notice to proceed with the preparation of construction plans and specifications to be sent to Kirkham-Michael & Associates.

And, Mr. Chairman, a representative of Kirkham-Michael & Associates, the project engineer, Jim Siebken, is also in the room, and perhaps he would stand and be recognized.

This firm, Kirkham-Michael & Associates, has now completed the preliminary plans for the collector sewer system and the gravity separation basins, which have been reviewed and approved, I understand, by the city, the State, and your own technical committee. Virtually starting as of today, the firm has begun work on the final plans and specifications for this phase of the project and expects to have them completed on or about May 20. At that time contracts can be let by the city and the corporation for the construction of the collecting sewers and the separation basins.

So, gentlemen, you can see that towards midsummer there should be a lot of dust in the air, but for the first time caused by the actual construction of Omaha's packing

*See Appendix V

house waste collection and processing system, and not, perhaps, by a dilemma over what we should do next.

Turning for a moment to the corporation itself, our immediate task is to issue $4,800,000 principal amount of bonds. So far, in a manner of speaking, we in the corporation have been operating on full faith and credit. The day after the lease-purchase agreement was signed or entered into with the city, the corporation submitted to the Internal Revenue Service its request for ruling on the tax exempt nature of its bonds, an indispensable condition precedent to their sale. Several conferences ensued and by mid-January there was general agreement between the Internal Revenue Service and the corporation that the corporation should elect to proceed under a different published ruling than it had cited in its December request. This necessitated making certain changes in the lease-purchase agreement and the operating agreement and re-submitting its request to the Internal Revenue Service. This work has been completed and the revised request is now pending in the Internal Revenue Service in Washington. We are reasonably confident a ruling will be forthcoming in the near future.

Of course, when that ruling is forthcoming, the corporation must return to the city council for approval of the amendments before we are in a position to issue bonds.

Because the changes that were made were adopted solely to comply with a revenue ruling which was not contemplated when the contracts were drafted, and these changes inure to the benefit of the city, I am hopeful of city council approval. It is perhaps important to add that city officials were closely advised of all developments and consulted during each step of the way.

While, therefore, the corporation is still 30 to 60 days away from issuing its bonds, my earlier remarks have indicated that this development has not detained the work on the project in any respect. The time tables for engineering and construction are being met and we have complete confidence that the work will continue on schedule as designated.

In an editorial in Life Magazine on August 12, 1966, it was stated that "There is a good chance that 1966 will be remembered as the year when Americans finally got fed up with pollution." Certainly for the citizens of Omaha it was a year of decision. They themselves, as earlier referred to, by an overwhelming vote approved a substantial bond issue earmarked for pollution abatement. The city fathers endorsed a plan for the treatment of packing house waste and by a unanimous vote approved the contracts to implement it. Mayor Sorensen and Bill Korbitz have from the start accorded this project the highest priority and have continued to spare no effort to insure that it becomes a reality. No greater confidence could be expressed in the continued prosperity of our principal industry nor greater faith be shown to our neighbors who also rely upon and utilize the Missouri River.

Thank you.

CHAIRMAN STEIN: Thank you, Mr. Kutak. Would you just remain there a moment for questions and comments?

MR. KUTAK: I'd be happy to.

CHAIRMAN STEIN: Mr. Smith?

MR. SMITH: In the event you do not get a favorable ruling from the Internal Revenue Service, what would happen then?

MR. KUTAK: In that contingency, of course, there are several alternatives open. One, of course, would be an appeal. Let me back up so there is no misunderstanding of what we are talking about, sir, when we say a ruling from the Internal Revenue Service.

A ruling, of course, is an indication required by the investment bankers so that they can offer, when they make a sale of their bonds, an assurance to the buyers that these bonds are tax exempt. As my remarks would imply, counsel has already given that opinion. As the contracts have now been drafted, it is our opinion that the bonds are tax exempt. It is not only the corporation's opinion, it is the opinion of the bond attorneys, Chapman and Company, Chicago. When I say bond attorneys, I mean the attorneys for the investment banking firm.

However, before anything is done by way of actually acting on a ruling, continual conferences are held with the IRS so that in a sense there is an anticipatory result. The request is really not submitted until we are certain that it will be accepted. That is the reason why there are many negotiations with the IRS, that have now extended from December to March 1, to make certain that this application which is formally submitted has anticipated, satisfied and complied with all of the requirements of IRS so that it would be in a position to furnish a favorable ruling. One doesn't go into these things, in a manner of speaking, blindfolded.

Therefore, we have designed our request to satisfy all of the indicated problems of the IRS, and then when our request met those standards and we had a preliminary reaction from them, to be sure informal and not binding, but a preliminary reaction from them that this complied with the problems they had, then, of course, the formal application is submitted. It is sometimes a puzzling thing for clients to understand, but it is a necessary thing when you are dealing with such a complicated and sophisticated matter as a request for ruling in a large bond issue.

We expect, therefore, sir, not only on the basis of our own opinion, but on the basis of an indicated reaction from the IRS, that we will have no trouble.

But let us take your question with this background and say nonetheless they come back and say, "Mr. Kutak, we cannot give a favorable ruling." This is, of course, an administrative decision. The corporation would have two alternatives--one to appeal that to the Commission itself and get a ruling from a higher echelon rather than on the preliminary level, or appeal to the office of the General Counsel of the IRS, or you could go ahead and issue bonds on the asumption that our opinion is strong enough, notwithstanding the denial of the ruling, to be upheld in court if there is any contest, unless, of course, you would go back and redesign your application to comply with whatever objections the Internal Revenue Service still had. Obviously, the last alternative of the three I mention is the safest, most desirable, and the one that we have been proceeding with up to now and we believe have reached the point where we have satisfied all of the questions that IRS has by reason of the indication we have received informally and very preliminarily from them.

So we would surmise, sir, that a ruling should be forthcoming as soon as it can be processed.

CHAIRMAN STEIN: Are there any other questions on this?

MR. GRAY: Yes.

CHAIRMAN STEIN: Mr. Gray.

MR. GRAY: In summary, are you stating that in order to issue bonds they will have to be tax exempt, I mean in order for the corporation to go ahead?

MR. KUTAK: In order to have a competitive price, yes, sir.

CHAIRMAN STEIN: Are there any other questions?

Yes, Mr. Clare.

MR. CLARE: Mr. Kutak, you indicated that the technical committee has approved the plans, the preliminary plans?

MR. KUTAK: That's my information, sir. I hope I was not--

MR. CLARE: Well, actually, we saw the preliminary plans for the first time yesterday and the committee has not approved them. I am not sure that the committee would be in order to do so. I can't speak for the committee in this regard. This is something that would have to be taken up by them.

As far as our Agency is concerned, we would not approve the plans unless there were a grant involved, and this, as you know, is under question at the present time.

MR. KUTAK: You mean you would not pass on them unless there was a grant involved?

MR. CLARE: Yes, correct.

MR. KUTAK: Thank you for that clarification, Mr. Clare. I am glad to have it.

CHAIRMAN STEIN: Yes. I think Mr. Smith raised a question and I was happy to have your explanation, Mr. Kutak. But I think this is possibly going to be one of the key issues--that is how soon the corporation can get going and the marketability of the bonds. I don't think there is any question about that. This is the point I think Mr. Smith and Mr. Gray raised. It is an indispensable condition, precedent to the sale of the bonds. If these bonds are unsalable, we haven't complied with that condition. Then it becomes a question of financing and what you have to do before Mr. Korbitz or your corporation can go ahead and enter into the contract.

I don't doubt that you have satisfied yourself and your bond counsel that these bonds would be tax exempt. But as I read this, you said the day after you entered into the lease-purchase agreement, you submitted your request to the Internal Revenue Service. I also wouldn't doubt at that time that you wouldn't have submitted the request if you didn't feel those were tax exempt. Now, however, from that time until now, I assume you were in the process of discussion.

MR. KUTAK: That is correct.

CHAIRMAN STEIN: In other words, it was a modification or accommodation of view. What I am trying to say is, that I believe I get the thinking behind not only these inchoate questions, but the questions in the conferees' minds, who are largely engineers, and that is the reason I am pursuing it.

This was put forward in an agreement you thought would be tax exempt. Then there was someone who may have had a different view and you had a series of conferences with IRS. You modified your request. Your modified request was going in. The question here that they raise is, when would you expect--your guess--a ruling? Or would you expect that you might have to go back for further conferences, further discussion and further revision, which isn't unheard of?

MR. KUTAK: To answer the question, Mr. Stein, I would believe it would be proper to expect a formal decision from the IRS within four to six weeks after preliminary indications that all papers are in order and have been worked through to their satisfaction.

In other words, at the outermost, the normal time period is from four to six weeks of the period you have indicated.

CHAIRMAN STEIN: When were they submitted?

MR. KUTAK: Formally they were submitted on March 1st.

CHAIRMAN STEIN: April 1st?

MR. KUTAK: April 15th.

CHAIRMAN STEIN: April 15th.

MR. KUTAK: That would be the severest outside time.

CHAIRMAN STEIN: Then we go to the next question, and this again is just a question for these people. How long, what is the outside date that you think you would have to get this matter settled in order for Mr. Korbitz to meet his schedule? If it went beyond, to what date would that schedule have to be revised?

MR. KUTAK: You can see it is about a June 1 deadline, considering both the collecting sewers and the project itself, the engineering will be finished by or on about June 1. You would begin to let contracts around that date and you would want to have your preliminaries over.

CHAIRMAN STEIN: In other words, if you don't have a favorable ruling on your bonds from IRS by June 1st, let's say by July 1st, if we don't have it by then, it is going to be a very severe question of whether the time schedule can be met.

MR. KUTAK: That is correct.

CHAIRMAN STEIN: I think this is the point. I ask all you people to bear with me because this is an involved procedure. But I think the question that they are asking is what effect will this have on the time schedule and what effect will it have on the cleanup of the river.

MR. KUTAK: Yes.

CHAIRMAN STEIN: If we can come to an agreement by then. In other words, someone is going to have the green light from IRS by June 30th.

Again I don't want to push you on this, Mr. Kutak, but you have given us all the reasonable alternatives of what you can do. Do you really expect your second alternative, aside from being theoretical, is one that you can use if you don't get a favorable ruling?

MR. KUTAK: No. You asked for a complete picture of the alternatives. I would recommend to the corporation that we go back and resolve our differences further with IRS.

Incidentally, Mr. Stein, in that regard let me say that the gentlemen in the IRS--and incidentally, we have met with the highest echelon of this review committee, Mr. Arnold Levine, Chief of the section, and he is fully apprised of the urgency to Omaha of expeditious consideration of this application. He, in fact, Mr. Stein, took note of the proceedings here, took note of the documentation in our application itself, including--and we were delighted to do it--we inserted the article in the World Herald of your last meeting on March 29th, and, of course, the headline read something to the effect that an ultimatum had been given the city of Omaha to do something by December 15th.

The Internal Revenue Service is not reviewing this thing in a vacuum; it is not looking at this thing academically and looking at it in a fashion that causes them to fail to appreciate a sense of urgency.

CHAIRMAN STEIN: I am sure this is so. You know, I have worked for years as a very close colleague with the Chief Counsel of IRS, Les Uretz. I think he knows what we are doing and understands our program, so I think he will have that in mind.

MR. KUTAK: Incidentally, when I first stressed it to him, he said, "Mr. Kutak, you will appreciate the fact that everybody comes in here and says that their project is urgent, that everybody comes in here and says that their project is urgent, that everybody says it absolutely has to be cleared as of yesterday."

But in all seriousness, even on all priority applications, he recognized that this had such generalized public interest and such tremendous interstate and Federal implication that he was cognizant of our desire to get as prompt a response as we could, and they have been acting fully in accord with those intentions.

CHAIRMAN STEIN: Yes.

MR. SAMSON: Mr. Kutak, very facetiously, did you take Mr. Levine out for lunch?

MR. KUTAK: He is a very busy man. (Laughter)

CHAIRMAN STEIN: Very good. I don't think, Mr. Kutak, there is any doubt that as we move the project forward there are always key points that have to be gotten over. As we are working here together, I think we, you, the people of Omaha and the State should realize that this is the key point in the movement right now and this is really the critical issue. I don't doubt, while this is a very difficult operation, that Mr. Korbitz and all the engineers are going to turn up a reasonably proficient technical design job and that you and whoever is going to do it are going to put out the specs for the contracts and run that through. But I think the key point and the critical point is this IRS approval.

MR. KUTAK: Mr. Stein, not to endanger my record, but let me say that you have spoken so eloquently that I think I am going to take you up on the offer of buying a copy of this transcript today and to see that it gets back to IRS and has its personal attention tomorrow.

CHAIRMAN STEIN: Right.

MR. KUTAK: Mr. Stein, also may I call your attention to our Mayor, Mr. Sorensen, who has just entered the room.

CHAIRMAN STEIN: Oh, hello, Al. How are you? Glad to see you.

MAYOR SORENSEN: Hello, Murray.

MR. KUTAK: But to round that point out, let me again emphasize the fact that this sense of urgency that you express and that we share has been communicated fully to the IRS.

CHAIRMAN STEIN: Yes. Now, let's go off the record for one second.

(Off the record.)

CHAIRMAN STEIN: Now, are we ready for other questions?

MR. SAMSON: No.

MR. CLARE: At the risk of being too repetitious now, the critical date that we have talked about so often here is June 30, as far as the Internal Revenue Service decision is concerned, is that correct? June 30 or June 1?

MR. GRAY: June 1, I thought.

CHAIRMAN STEIN: He said June 1, but they had July 1. You see, here is the notion. Let's look at this. I am trying to find an outside date which will not be too late if you get a ruling from Internal Revenue Service, where Mayor Sorensen and Bill Korbitz can still meet the schedule they put in. Now, I think they would be comfortable if they got it by June 1, but I think if they got it somewhere in June and they got the City Council together and they stayed up all night they wouldn't wreck this July 1 date on the advertisement for bids too bad. Presumably they are going ahead with this May 20 thing without any trouble. That won't affect that.

The question here is they are not going to advertise for bids until they have the financing squared away, and they have to get that squared away reasonably before they put out this advertisement. I would think that would be at the outside sometime in June. This is the way. If my reasoning is wrong on that, we would like to hear it.

In other words, I think we have a couple of weeks leeway after June 1.

MR. KUTAK: Yes. Because, Mr. Stein, as you can appreciate, as soon as we get the ruling, the contracts have to go back to the City Council.

CHAIRMAN STEIN: That is right.

MR. KUTAK: And there is a mandatory five-week period--

CHAIRMAN STEIN: Oh, you do have?

MR. KUTAK:--to be consumed there. See, it takes three weeks to run a contract through the City Council by ordinance, and then two weeks after that to have what is known as a contestable period.

CHAIRMAN STEIN: Yes.

MR. KUTAK: So we have got to consider five weeks or to round it off six weeks from the date we receive the ruling from IRS before we have contracts upon which we can issue bonds upon which we can enter into construction contracts. So this is why, with that additional factor entering into the picture of a six-week overlay after we receive word from IRS, we have an even more strident note of urgency with IRS and they are hearing it.

CHAIRMAN STEIN: Right.

Are there any further comments or questions?

If not, thank you very much for a full presentation, Mr. Kutak.

MR. KUTAK: Thank you, Mr. Stein.

CHAIRMAN STEIN: We certainly appreciate it.

MR. SAMSON: Mr. Chairman, I am glad to see that Mayor Sorensen is here with us this morning.

Mayor, we have heard from the State of Nebraska, from Mr. Korbitz and Mr. Kutak, as you see, and I would like to call on you. Would you have a few remarks you would care to make? We are happy to have you here with us this morning.

MAYOR SORENSEN: Well, thank you very much. I want to apologize for not being here earlier, but this is the way it goes in the life of a mayor. In fact, I have people waiting in my office now for me to get back, but I had hoped that I could come down and have lunch with you and you could join me for lunch.

I have read the statements that Mr. Kutak and Mr. Korbitz have prepared and I have nothing new to add. I think you recognize our sincerity in trying to get this job done. I don't mind telling you that in Washington on a recent visit, because of our concern about this IRS matter, that I took it upon myself to talk to some people who I thought would be helpful and I am encouraged by the degree of cooperation that the Federal people are indicating that they are going to give us. So I really have nothing to add, unless you have some specific questions to ask of me as a mayor.

Much of what has been discussed has been technical. Mr. Korbitz and Mr. Jordan and Mr. Geisler and I are in constant communication, we are in almost daily communication, to be sure that everything is being done that can properly be done.

So I don't believe I have anything to add except that I hope all of you will accept my invitation to lunch when the time comes.

MR. SAMSON: We accept that invitation on behalf of the conferees. Thank you very much, Mayor.

We have one final witness, Mr. Chairman. That is Mr. James Siebken of Kirkham-Michael & Associates, design engineers. Would you give us the benefit of your thinking on the design matters again?

MR. SIEBKEN: Yes. I will pass these* to the conferees. I would like to work off of the aerial photograph, but the writing is small, so you may be able to make reference to this.

I will try to give a brief summary of this. We had a presentation to the technical committee yesterday in more detail. These are not per se our preliminary plans. These are the location maps we have prepared. Our plans and specifications, our preliminary plans, involve some 30 sheets of detail drawings, which I do not feel the conferees will be interested in going over.

Basically, we are involved here in construction of a new sewer system to intercept the wastes from the packing houses in the city of Omaha which are surrounding the Union Stockyards Company and transport these packing house wastes to a central treatment system, a plant site located in the vicinity of 23rd and Washington Street. The packing houses, 19 in number, are spread over an area some mile and a half north and south by a mile east and west, this (indicating) being F Street, L Street (indicating), Q Street (indicating), down to Y, Z and Washington (indicating).

The sewer system shown here in red is flowing more or less north to south. We start at the plant site with a sewer that will be 42 inches in diameter to collect the entire waste. Then as this line proceeds north, laterals out to the various plants out to Morris, O'Neill Packing Company and Wilson Packing Company are to be constructed.

The line will continue north to Swift and Company, will become a 36-inch line, back to Armour & Company, then north further a 24-inch line going up and picking up what we call more or less the independent packers, some of the smaller packers that are located north of L Street.

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*See Appendix VI

The sewer system is designed to handle the maximum flow from the various plants. The flow information was gathered over a number of years through metering of each individual plant from analysis of water use records from all the various packers, and then from tabulation of this the higher values in all cases were used to design the sewer system. We have designed the system to have velocities in terms of 3 to 5 feet per second minimums, up as high as 7, 8, 10 feet per second, this being a criteria to carry the heavy solids that are being generated here in these industries. The sewers will receive the entire waste from the packing plants, the paunch content, the grease, the human wastes that will be generated within the plant. It will not receive the storm flows from this area. These will continue to enter the city's combined sanitary and storm sewers and proceed on to the Missouri River treatment plant.

These sewers will intercept the wastes, carry them by gravity to our treatment plant site. At this site, at 23rd and Washington Street, which is owned by the corporation, there will be what we term gravity separation basins which will slow the flow down and allow the heavy solids to drop out and be collected by mechanical means and elevated out of the water, out of the sewage as a liquid, and taken into the Carver-Greenfield processing plant.

The liquid wastes from the gravity separation basin will proceed into the secondary grease recovery basins, which are known as the flotation units, for further removal of spent solids and grease, and then again these solids being taken out by mechanical means to the processing plant. Then the liquid with all of the grease--or to clarify that, not all of the grease, but meeting the requirements of the city's sewer ordinance--will be discharged back to the city sewer to be carried on in the city sewers to the Missouri River treatment plant for conventional primary treatment.

The details of these plans have been prepared and submitted to the city in a preliminary form for their review. This involved complete surveys of the area to insure that we had sufficient elevations involved, showing the various arts of topography; we are working with the various railroads in obtaining permission and other private owners to utilize their land. This, then, from this point will proceed on into the final design of plans, specifications, contract documents.

Are there any questions? I think it might be helpful to answer questions and cover things in general.

CHAIRMAN STEIN: Do we have any comments or questions?

Yes.

MR. GRAY: With respect to the proposed facilities, has any allowance been made for removal of any paunch or grease by the packers? I am trying to ascertain whether your design incorporates 100 percent receipt of all wastes from the packers?

MR. SIEBKEN: That is right, all of their kill, cattle, hogs, sheep, their entire waste. There are some that have some treatment of their own which may or may not continue, depending upon what each individual packer would decide to do. If they would remove what they do have now, we would still be able to handle it in our facility.

MR. GRAY: To clarify this point, then, you said "if they remove what they do now, we would still be able." If they did not remove what they are currently doing, you would still be able to handle it in your facility?

MR. SIEBKEN: That is what I meant to say.

MR. GRAY: Oh.

CHAIRMAN STEIN: Mr. Schliekelman.

MR. SCHLIEKELMAN: You mentioned that the plant site is owned by the corporation? Have they already purchased the site or do they have an option on it or what is the situation on that?

MR. SIEBKEN: It is purchased, as I understand it, by the corporation, and this then will be at a later date returned to the city. It will be owned by the city, but presently it is owned by the corporation.

MR. SCHLIEKELMAN: I see

CHAIRMAN STEIN: You have title?

MR. SIEBKEN: Yes.

MR. KUTAK: That is correct. To clarify that one point, I don't suppose it needs to be in the record, but one of the changes for IRS involved deterrent on that point among others.

CHAIRMAN STEIN: I could have guessed it.

MR. KUTAK: Yes. But title at this time is held by the Omaha Pollution Control Corporation.

CHAIRMAN STEIN: Right.

Mr. Smith.

MR. SMITH: I have a question now. Did you take into consideration the present kill, the present operation? In other words, was the study made in cooperation with the packers?

MR. SIEBKEN: Yes.

MR. SMITH: Are they aware of the design basis that you are using?

MR. SIEBKEN: I think in all cases yes. What we had done at one time earlier in this negotiation between the city and the packers was to conduct a sampling and metering program for the independent packers as an association, at which time a separate report of their waste, quantity and strength characteristics, were presented to each of the independent packers. The major packers, the four major packers, having engineering people on their own staffs did not cooperate in this study, but performed their own metering and testing program. It is from this information, with these plants operating together with the majors, that the data was put together.

The point, at any given time there may or may not be some of these packers in operation, but they were all sampled at a time when they were in operation, each one individually, and totaled from that.

MR. SMITH: I am interested in whether or not your design contemplates any increase by the packers. In other words, you have some figure there that you will base your design on. What is this? Let's take grease for example. What is the design basis of this facility, what is it capable of handling?

MR. SIEBKEN: The maximum pounds per hour for the equipment, as I recall, is 7,000 pounds of grease per hour. The average for the 12-hour operation day is 900 parts per million times the flow of one million. I can't recall at the moment what that poundage is.

MR. GRAY: One MGD per day flow, I mean one MGD flow?

MR. SIEBKEN: Pardon me, sir, what was the question? Per hour, one million gallons per hour.

CHAIRMAN STEIN: I think the thrust of this question here is how much room have you got for expansion of grease handling facility in case we get a bigger load?

MR. KUTAK: Mr. Chairman, Mr. Ruppert, who represents the corporation that is handling that part, might want to comment on that.

CHAIRMAN STEIN: Go ahead.

MR. RUPPERT: Is it appropriate to comment at this point?

CHAIRMAN STEIN: Go ahead.

MR. RUPPERT: Yes, I would be happy to. We are taking into account considerable growth potential in the design of our equipment which will have to handle this grease, such that we can at a future date, let's say, take in considerably greater quantity than presently our design calls for.

CHAIRMAN STEIN: Do you have anything more specific? Take considerable; how much in terms of--

MR. RUPPERT: 25 percent, 30 percent, something like that we are thinking. But I wouldn't want to be quoted and officially go on record with that number.

CHAIRMAN STEIN: The problem here is that we are going to face the question from these engineers--again, let's explore it because this is the key question that they always ask--"O.K., we have this, but how much capacity does it have? How do we know it is not going to be obsolete next year or next month?" I have been working with engineers for a quarter of a century. When I tell them "considerable," they get restive when we can't give them a specific figure. They would like a projection, and I wonder, do we have anything--

MR. RUPPERT: I would say that would be a reasonable but unofficial projection, 25 to 30 percent, yes.

MR. GRAY: What period of time do you anticipate?

MR. RUPPERT: I do not.

MR. SIEBKEN: I think at least on our portion of it, of the basins, the feasibility report by Stearns-Roger indicated an anticipation of 2 percent per year increase, and in so doing we have provided four basins to handle the present and immediate future, say 5 to 10 percent, at the existing facilities, with a future basin shown, which would be a 25 percent increase. If it was 2 percent, a 25 percent increase would mean 12 or 13 years.

CHAIRMAN STEIN: Yes. Now, I don't want to interrupt Mr. Smith, but for the purpose of the record, you raised another point that I don't think we went into. You talked about a daily average and how much you could take an hour. Are there some hours where it runs over this 7,000 pounds where you may have difficulty, or can your facility handle the grease discharge at the peak loading?

MR. RUPERT: Yes, we can. In fact, that is what the design is based on, peak load basis. And this grease is stored, you see, into a sewerage or a hopper facility so that the machinery, even though it might not keep up with this peak, we have a--

CHAIRMAN STEIN: You have a retention?

MR. RUPPERT: That is correct.

CHAIRMAN STEIN: Again this is a critical point. How much above capacity can you handle to hold back and let go by raw?

MR. RUPPERT: Not to be officially quoted here, I think we can take a day's total flow stored before we would have to bypass.

CHAIRMAN STEIN: Right.

MAYOR SORENSEN: Mr. Chairman, may I comment to Mr. Smith?

CHAIRMAN STEIN: Yes.

MAYOR SORENSEN: I think that the figure that Mr. Smith is after, and it is certainly very proper, will only be developed when the plans and specifications have reached that point of completion where you can get down to the final figures, but the basis will be a 25 percent override and a full day's flow in retention, so if you have a breakdown of some kind you would not be pouring it into the river.

CHAIRMAN STEIN: Yes, go ahead.

MR. RUPPERT: Mr. Stein, I might like to add further that we have backup equipment in the plant, that is standby equipment, also being provided for in the event of a mechanical failure, so that we won't be out of business, let's say, a pump and centrifuges and what-have-you.

CHAIRMAN STEIN: Thank you. Mr. Smith.

MR. SMITH: We have heard this figure of 100,000 pounds of grease per day in the Omaha area. Now, is your design on that basis? Can you handle 100,000 pounds of grease per day?

MR. RUPPERT: We could, yes, yes.

MR. SMITH: You could provide 25 percent more than this? In other words, 125,000 pounds of grease you could handle?

MR. RUPPERT: Well, that is within our--no, this 100,000 pound figure that you are citing is within our current margin of safety, if you want to call it that, or capacity.

MR. SMITH: Do you have an estimate of this 100,000 pounds what you could recover? In other words, are you going to recover 75,000 pounds per day or 50,000 pounds or what is your estimate?

MR. RUPPERT: We are currently running tests to determine exactly that figure, but I think I had best say now that our pilot tests which are going on at St. Joseph, Missouri, because of the nature and pretreatment of that flow there, which will be very similar, we feel, to Omaha, indicates that we will be well within the limits defined by the State, I guess it is, of 400 parts per million effluent from our plant on into the city sewer system. We are testing two separate pieces of equipment at that site. The one which performs the better of those two will be brought to Omaha to compete with a third piece of equipment. Again the better of those two will be selected for the final plant.

But we have proven our confidence, let's say, not that we weren't confident, but we have vivid proof now that we can do the job adequately.

CHAIRMAN STEIN: But your 100,000 pounds per day includes that 25 percent expansion figure, as I understand it?

MR. RUPPERT: I am sorry, I didn't follow you.

CHAIRMAN STEIN: The 100,000 pounds per day that Mr. Smith talked about includes the 25 percent expansion figure or can you go up to 125,000?

MR. RUPERT: I suspect we could handle 125,000, yes.

MR. KORBITZ: Mr. Stein, may I interject something here? In connection with the grease removal and solids removal capacity, we are, of course, aiming at a reasonable increase in quantities in design. Keep in mind that the city will require that this facility send out an effluent which meets the requirements set by these conferees and subscribed to by the city of Omaha, not only because we wish to have a reasonable effluent go to the Missouri River from our Missouri River treatment plant, but because if we have more grease than a certain amount going into our Missouri River treatment plant we will damage our plant facilities. And we are not about to spend hundreds of thousands of dollars repairing or replacing equipment just because another portion of our pretreatment system didn't do its job. Now, I assure you that we will not let that happen. We will be assured continually that the effluent from the packing waste treatment facilities will be adequate.

Also at such time as it would be necessary to expand these treatment facilities, assuming that the animal kill in Omaha increased by 50 or 100 percent over the next 10, 12 or 15 years, keep in mind that the amount of revenue going into the system will be such that it will be easy for us to finance the additional expansion necessary to provide the facilities for capturing this much additional grease, this much additional solids.

CHAIRMAN STEIN: Go ahead.

MR. KUTAK: Mr. Stein, let me just follow that point a minute. If we were talking about recapturing that amount of grease, speaking now for the corporation, my heart skips a beat because those bonds will be paid off in half the time, because it would be such a tremendous generation of revenue that you would have no limits, almost, to how much you could expand that.

CHAIRMAN STEIN: Here, I think, Mr. Korbitz, you raised a question that I think we wanted; I was going to wait until Mr. Smith finished. One, there is going to be no effluent from this system going directly into the river; it is all going directly to your plant?

MR. KORBITZ: Correct.

CHAIRMAN STEIN: In other words, I think all hands are agreed that the city is going to be legally and technically responsible for handling those wastes the same as you would for any small manufacturer who is connected to your system. Well, when they put it in directly now, we move against the responsible individual. I think this has to be recognized. But the key point is that there has to be an effluent from this system going into the city plant that you believe you can handle.

I want to make this very clear. The law of the land is abundantly clear on this. The law of Nebraska is like everywhere else, and ultimately, the city of Omaha is responsible. It is not going to be the corporation; it is not going to be the State; it is not going to be us. It is your responsibility if the effluent is no good, and this is one of the key points that has to be worked out.

The other point--I don't know if the technical committee worked on this--if you are all satisfied that the velocity of that flow is going to be such that you are not going to have a residue of paunch in those pipes during your hot Omaha days? I have been here when it has been hot and dry. That is when it is going to harden like concrete. Then when you try to flush it, it is not going to move. You are going to have to keep this scoured out. You are satisfied with this?

MR. KORBITZ: The design and anticipated flow velocities in this collection system are in excess of those experienced in St. Joseph, Missouri, for example, and other places where they, in talking to their maintenance personnel, have experienced no difficulty. So we have reason to believe that sewers of a given type in Omaha which have better flow characteristics cannot reasonably be expected to perform less effectively than somewhere else where there are less desirable circumstances.

CHAIRMAN STEIN: And you are doing this on gravity and no pump stations?

MR. KORBITZ: Yes, sir.

CHAIRMAN STEIN: All right. This is a technical point. We will have to rely on the technical people for their judgment on this operation. But you have to remember that the people who certify this and buy into this, underwrite these technical features of the plant. These are the factors which always must be relied on: 1) good judgment and 2) good engineering in order to work. Obviously both of these factors have to work for the system to operate.

Mr. Smith, do you have any more?

MR. SMITH: I don't have any more questions.

MR. GRAY: I have one question.

CHAIRMAN STEIN: Mr. Gray.

MR. GRAY: A previous statement indicated that agreement had been reached with all packers except one. What is the significance of that one packer and where will discharge of its wastes take place?

MR. SIEBKEN: This one packer in question is presently installing facilities in his own plant for removal of this grease and his own rendering at what he feels an economical break point for himself, and also has indicated that he would handle his own paunch manure. The system as it is designed here will accommodate him if he changes plans, both in elevation and by gravity. The thing, as I understand, is that he will discharge then into the city system, but will be required to meet the same city ordinance that the effluent from this plant (indicating) will be required to meet, the same conditions.

MR. GRAY: He will discharge to the city system?

CHAIRMAN STEIN: Let me see if I understand this correctly. And thanks; I got some assistance there, another good question.

In other words, anyone within your city limits putting out a liquid waste naturally will be required either to discharge into a city system or into this corporation system and not discharge directly into a stream, is that correct?

MR. KORBITZ: Yes.

CHAIRMAN STEIN: You can require them to do that?

MR. KORBITZ: Oh, yes.

CHAIRMAN STEIN: Yes.

MAYOR SORENSEN: Mr. Chairman, may I add in response to the question, because we have been involved in negotiations with this particular packer, that they feel that they can handle this and economically make money for themselves in handling it this way, and this has been stated that they think they have an answer of their own, which is perfectly satisfactory. However, the system is so designed that if their own situation doesn't work out as they hope that they can tie into the system.

CHAIRMAN STEIN: Thank you.

Are there any other comments or questions?

MR. SAMSON: On this graph that you gave us, Jim--

Are you through, Jack?

MR. SMITH: I am through, yes.

MR. SAMSON: --there are 19 indicated packers, is that right?

MR. SIEBKEN: Yes.

MR. SAMSON: Is the stockyards company involved here? I didn't see their name here.

MR. SIEBKEN: No, they are not involved in our system. They will remain with the present sewer system. They have no killing or slaughtering operations.

MR. SAMSON: What about their paunch?

MR. SIEBKEN: They have none, John, in that the paunch is the rumen contents which is in the animals killed and the stomachs are opened and the contents discharged to the sewer. The Union Stockyards are only involved in handling the live animals, in receiving it and distributing it, so to speak, through the packers, and they have no meat processing of their own.

MR. SAMSON: Of course there is a lot of manure down there, and I wondered what provisions are made on this manure situation if you know.

MR. SIEBKEN: As I understand, they have at the present manure processing facilities of their own where they do drying and also railing it out of the city. This is located right here (indicating) north of L Street, and this will be the way they will continue to handle their end of it.

MR. SAMSON: One thing I wanted to pin down, Mr. Korbitz, and I didn't ask you, is this. You have seen the names of these 19 packers on the graph here. Is there an effective contract executed by the packers and approved by the city in effect insofar as these 19 packers are concerned?

MR. KORBITZ: All but one. All but that one which is doing it on its own.

MR. SAMSON: Where is it located, Jim, this packer?

MR. SIEBKEN: Located right at this point (indicating).

MR. SAMSON: That is where?

MR. SIEBKEN: That is located at about--it is north of L and this is about 36th Street, 35th Street.

MR. SAMSON: I see. Thank you. That is all I have.

CHAIRMAN STEIN: Mr. Clare.

MR. CLARE: Following up on this question of disposal of wastes from the yard, how about drainage, surface drainage and washing down the yards? Where will that go?

MR. SIEBKEN: This will continue in the way it is, and I believe this enters the 8-foot combined sewer that begins at L Street, diverts down to actually underneath the pens along the east side stockyards area.

MR. CLARE: And that will--

MR. SIEBKEN: Enter the Missouri River treatment plant.

MR. CLARE: I see. Until the flow of the storm sewer reaches three times average flow, approximately, is that right?

MR. SIEBKEN: Three times the average flow, at which time the excess will be diverted to the river and the treatment will continue on the three times average.

CHAIRMAN STEIN: Are there any other questions or comments?

If not, thank you very much, sir.

MR. SAMSON: Thank you.

CHAIRMAN STEIN: Is that all you have?

MR. SAMSON: Yes. I will ask the Mayor or Mr. Filipi or Mr. Korbitz or Mr. Kutak, is there anybody else that should be heard from as far as the state of Nebraska is concerned?

MR. FILIPI: I do want to get into the record, Mr. Chairman, that the Governor's office called me this morning and said that both the Governor and his administrative assistant, Dr. Yeutter, showed interest in this meeting and would have very much liked to have been in attendance, but due to legal pressures in the Capitol, they just cannot take time out to come to this meeting. They expressed their interest in it and wish you success for the last conference. (Laughter)

CHAIRMAN STEIN: Thank you. I knew the balmy weather couldn't have kept him in.

MR. SAMSON: There is nothing further. Thank you very much.

CHAIRMAN STEIN: I think what we are going to try to do, so we can move this along expeditiously, is hear at least a little from Missouri and Mr. Smith before we recess for lunch.

Mr. Smith? How long are you going to take?

MR. SMITH: I will say it wouldn't take over three or four minutes. I have a couple of letters to read in the record.

CHAIRMAN STEIN: Go ahead.

MR. SMITH: I would like to read into the record two letters that I think express our view on the matter of pollution of the Missouri River above St. Joseph, Missouri.

This letter* is dated October 14, 1966, to the Honorable Stewart L. Udall:

"The Missouri Water Pollution Board on October 13, 1966, meeting at Maryville, Missouri, with representatives of Kansas and Iowa pollution control agencies, considered the lack of satisfactory progress in abating pollution of the Missouri River by the city of Omaha, Nebraska. Adequate treatment of packing house waste has not been provided, and enforcement of city ordinances designed to reduce the waste contributed to the municipal sewer system are not being enforced. The construction of adequate waste treatment works by December 15, 1966, cannot, in our judgment, be accomplished. The water supply at St. Joseph, Missouri, continues to receive grease at the water supply intake, which we believe originates in the packing house area, Omaha, Nebraska. You are requested to proceed with a public hearing at the earliest practical date. A public hearing is authorized by Public Law 660.

"If the water pollution board can be of assistance in abating pollution of the Missouri River, Omaha area, please advise."

We had a response to that letter from the Secretary and he advised that they were keeping in touch with the Omaha situation and that they were encouraged. I will not read that letter. But he did acknowledge it. But again no dates or any specific statement from the Secretary as to the compliance.

Then on December 30, 1966, we wrote another letter* to Secretary Udall, and I would like to read this into the record:

"On October 13, 1966, the Missouri Water Pollution Board requested that you proceed with a public hearing because of the lack of progress in abating pollution in the Missouri River below Omaha, Nebraska.

"The quantity of grease at the St. Joseph water supply intake continues to create problems, and there is no noticeable reduction in the volume compared with previous years.

"The deadline for installing remedial works at Omaha was December 15, 1966.

"You are again requested to proceed with appropriate enforcement action at the earliest practical date."

Now, I think our position is--

MR. SAMSON: Have you an answer to the letter of December 30?

MR. SMITH: No, no answer was received.

See Appendix VII
See Appendix VIII

MR. SAMSON: Who was it addressed to?

MR. SMITH: Secretary Udall. No reply to that letter.

Now, our position, I think, is this. The grease continues to be a problem at the water supply intake. This (indicating) is a sample from the settling basins at the city of St. Joseph water supply. This is water that is pumped, the suction being about 6 feet below the surface of the river. This is an agglomeration of grease and small balls which vary in size from, oh, a pea to a golf ball. Occasionally the grease balls are much larger, and here is one that I have in a plastic bag that, as you can see, is about this size (indicating).

Now, the word of the water supply people at St. Joseph is that they continue to experience these problems and this has been going on for years. They ask us, "Well, what is being done at Omaha?" Well, of course, I think there is a lot being done, and I would say that from our meeting today there has probably been more than we have experienced at any time in the past. But the fact still remains that, as I understand it, the financing, for one thing, is not clear cut, positive. You have some questions about it. Your detailed plans have not yet been prepared; they are under preparation.

And so I think we have to look at these facts. From the standpoint of people at St. Joseph, the water supply people, the situation hasn't changed. So they are seeking relief and they are seeking positive assurance that this would be corrected at the earliest practical date.

So I think our position would be that the progress to date has not been in compliance with the schedule that was previously agreed to and that, therefore, we should proceed with the hearing.

I think in summary this is our statement at this time.

CHAIRMAN STEIN: I think that frames the issue pretty clearly.

In view of this if there are no comments, I think this may be a time to recess for lunch. After lunch if you have any questions on this, or wish to expand this, you ask them of Mr. Smith. I want to make it clear that when we come back I expect to determine what the views of the State and Federal conferees are on Mr. Smith's proposal so we can proceed.

I think this may be a good time to recess, because this needs careful consideration. The State people and the Federal Conferee here should think about this, and then we would like to have their mature and considered judgment.

How long will we need to recess for lunch? It is now 12:15.

MR. SAMSON: I would say 1:30.

CHAIRMAN STEIN: Will 1:30 be fine?

MR. SAMSON: Before this group breaks up, I would like to personally thank Mr. Filipi and Mayor Sorensen, Mr. Korbitz, Mr. Kutak, and Mr. Siebken for their presentations here this morning.

Thank you.

CHAIRMAN STEIN: Thank you. We stand recessed until 1:30.

(NOON RECESS)

AFTERNOON SESSION, MARCH 8, 1967

CHAIRMAN STEIN: May we reconvene?

Mr. Smith, do you have anything to add or are you open to questions?

MR. SMITH: I have nothing to add, except that if it is in order I would move that the Secretary be notified of our desire to proceed with a hearing. It would be my recommendation that the conferees consider this and act favorably on it if this is in order at this time.

CHAIRMAN STEIN: Well, I think that it is in order. However, one, I would like, if it is agreeable with you, to hear any comments from the other States or questions before we go on, and then I believe Mr. Clare has statements from some other Federal agencies and I think the conferees should have the benefit of all the discussion before we attempt to get at your question.

MR. SMITH: All right.

CHAIRMAN STEIN: Are there any questions of Mr. Smith or comments?

MR. GRAY: Mr. Stein, if I may make one brief remark, with respect to Kansas we have been very much concerned with the quality of the water in the Missouri River, as has been Missouri. Although we may not have as serious grease problems as some of the Missouri municipalities taking water supply from the Missouri, we do have occasional difficulties with respect to some fish kills on the Missouri, some taste and odor problems with some of our municipalities, and certainly we feel that the Missouri should be cleaned of controllable water pollution as rapidly as possible in order to alleviate these conditions. We recognize that the city of Omaha cannot be blamed for 100 percent of the factors, such as the natural runoff conditions which can occur; but certainly the Omaha situation is one of the major controllable man-made sources which can do much to alleviate the situation.

Therefore, we wish to encourage all due haste in controlling this major source.

CHAIRMAN STEIN: Thank you, Mr. Gray.

Are there any other comments? Mr. Schliekelman.

MR. SCHLIEKELMAN: I might comment just a little bit on this, Mr. Stein.

Of course, the State of Iowa is not too much affected by the discharge of these wastes from Omaha at the present time. There are no public water supplies involved. There are some recreational interests which are being affected to some extent.

Maybe the principal factor that we are concerned with is that when we talk to some of the Iowa communities about cleanup of their particular waste control problem or pollution problem we always have the fact brought up, well, why doesn't Omaha do something about it, and I think that is one of the things that we would really be concerned about. It is not directly involved, but it does affect our enforcement program to some extent.

I think for that reason we would certainly endorse some speed-up of enforcement at Omaha if possible.

CHAIRMAN STEIN: Thank you. I know that is very true. It is quite true in my experience. I remember when I first came out here, the people from Council Bluffs said, "When are those fellows across the river going to clean up, we are relatively small compared to Omaha." Of course, they have a point.

MR. SCHLIEKELMAN: I am not talking about river cities particularly, but actually all over western Iowa, as a matter of fact. They know what the situation is in Omaha and it does have some effect.

CHAIRMAN STEIN: That, I think, is true not just here but throughout the country. Again, I think the people in Omaha have to recognize the situation that possibly the people at this table face--that the big city in the area is always like the elephant in the thicket; you have to get them to move before you can get the whole area to move. This is only natural. This isn't just true here.

You know, Mr. Korbitz, recently having returned from Colorado, until we could get the Denver Metro going we didn't have much of a chance to clean up the South Platte. I think now that Denver is going, everything is falling into place. This has been true in city after city throughout the country.

We just came back from Minneapolis-St. Paul, where we were last week in the Twin City area, and it is exactly the same situation.

I do think, you people having the responsibility for Omaha and the Omaha industry, this is a problem that the water pollution control officials of all the States here and the Federal Government are going to have. This kind of puts the spotlight on a place like Omaha.

Mr. Clare, do you have anything?

MR. CLARE: No, not at this time.

CHAIRMAN STEIN: No, I mean other people to call on?

MR. CLARE: Oh, yes.

I would like to make some introductions.

CHAIRMAN STEIN: Yes.

MR. CLARE: And if I may introduce some people on your staff at headquarters. Mrs. Rheta Piere is here and Tad Rajda.

And from our Missouri Basin Regional office, Garry Fisk, Deputy Regional Director, Carl Blomgren, who is the Chief of our Enforcement Activities in the Missouri Basin Region. You have already heard from Evan Dildine, Chief of our Construction Grants and Facilities Programs, and William H. Myers, Jr., is our Administrative Officer.

There are some Federal agency representatives here and I would like to recognize them, and as they are introduced, if anyone has a statement, we would be glad to have it.

Is Paul Harley here? Mr. Harley is with the Department of Interior in charge of the Comprehensive Programs Office or Water Resources Office here in Omaha.

MR. HARLEY: Thank you. I don't think there is any need for me to say anything at this time.

MR. CLARE: Thank you, Mr. Harley.

MR. SAMSON: While he is up, I would like to ask him a question.

MR. CLARE: All right.

MR. SAMSON: Mr. Harley, you are in charge of the Comprehensive Basin planning insofar as water pollution is concerned?

MR. HARLEY: For the Department of the Interior.

MR. SAMSON: Yes.

MR. HARLEY: Yes.

MR. SAMSON: What progress has been made insofar as correlating the various standards of the progress on standards and the correlation as to water quality between the states? I am talking now particularly about the Missouri, Kansas, Iowa and Nebraska, in this general program.

MR. HARLEY: I think this answer could be more properly given by Mr. Clare.

MR. SAMSON: All right.

MR. HARLEY: He is closer to this field than we are. We keep track in general, of course, with what is going on, but Mr. Clare's forces, I am sure, are much more up to date on all of that than we would be.

MR. SAMSON: All right, fine. Thank you very much.

MR. CLARE: Mr. Harley, I didn't introduce you very well. There is a question up here about the nature of your work. Would you care to describe your responsibilities?

MR. HARLEY: The Congress has directed that at some 16 major river basins in the United States a so-called master plan or framework plan for water and related land resource development be formulated, and this is a cooperative endeavor of the agencies, Federal agencies and the State agencies, working together in formulating this framework plan. The Congress, I am sure, feels the necessity for this sort of thing as it sees the manner in which all of these programs impinge upon each other, and we are asked to develop a report ultimately, this one to be completed by the end of 1969, which will set forth the framework of plans that recognize the present situation, that project the situation to the needs in the manner in which they can be fulfilled, perhaps in a broad sense, for 1980, the year 2000, and the year 2020. In other words, a 50-year projection.

I am sure we all appreciate that when we look this far ahead we will not be accurate in the terminal dates. It is to be hoped that we will do a good job of looking ahead say 10 years to the things that are in the immediate offing, that by taking a look at all of the requirements, population projections and the translation of these projections into needs for good, and particularly, of course, water and the related land, that we will do a better job of progressively developing and meeting these needs than we will on an unplanned, unrelated, uncoordinated basis.

So this is the objective. The Congress, I am sure, feels that as many proposals are placed before it, and this would be equally true of state government, that it is necessary to know the whole picture in order to deal with each phase of it. I am sure this is something that will be with us from now on.

MR. CLARE: Thank you. And you are heading up this activity for the Department of the Interior in the Missouri Basin Region?

MR. HARLEY: That is correct, yes.

MR. CLARE: Very good.

I would like to introduce a man who has recently started work on water quality. As you know, our Secretary has a very good aggressive program on pollution control or water quality control, and the Commissioner of the Bureau of Reclamation has authorized the establishment in each regional office of the Bureau an Office of Water Quality, and in the Denver office of the Bureau of Reclamation is Mr. James Bowman, who is with us today.

Do you have a statement?

MR. BOWMAN: No.

MR. CLARE: Thank you.

Here with the U. S. Geological Survey from Rolla is Tony Homyk. Tony, do you have a statement?

MR. HOMYK: No, I haven't, Mr. Clare. Thank you.

MR. CLARE: Another Department of the Interior representative, the National Park Service, is the Assistant Regional Director, Nelson Murdock.

Do you have a statement, sir?

MR. MURDOCK: No.

MR. CLARE: Thank you.

Representing the Division Office of the Corps of Engineers, Don Bondurant.

MR. BONDURANT: Yes, sir.

MR. CLARE: Do you have a statement, sir?

MR. BONDURANT: No statement at this time, thank you.

MR. CLARE: All right. And representing the District Office of the Corps of Engineers, Lorin Otto.

MR. OTTO: Yes, sir. I have a brief statement.*

I am Lorin Otto. I represent the District Engineer, Corps of Engineers, of the Omaha District. To those of you who are not familiar with the Engineer District, the Omaha District includes the entire Missouri River watershed upstream from the Kansas-Nebraska state line.

We are most happy to have been invited to your conference, since one of the main responsibilities of the Corps is to help plan and actively participate in the conservation of national water resources. It is realized that the responsibilities are tremendous in what we all agree is a long overdue, concerted effort to control pollution of our waterways. Needless to say, the very best efforts of all Federal, State and local governments will be required to cope with this staggering problem. To this end, you may rest assured that the Corps is solidly behind such an effort and will do all in our authority to support and assist in the movement.

*See Appendix IX

Toward this end, the Corps has only very limited statutory authority in the matter of control of stream pollution. Essentially it is limited to responsibility for control of the discharge or placement of solids in a waterway where it could adversely affect navigation. Fortunately, this is not a problem of consequence in this particular area. For this reason, I feel that it would be more appropriate for me to listen than to speak extensively. However, I can't refrain from a little professional horn blowing at this point, so I might say that indirectly we have been able to assist in cleaning up the Missouri River by the following actions:

We have equipped our boats and dredges with modern sewage treatment facilities.

We are able to prohibit the discharge of sewage into our tremendous Missouri River reservoirs by virtue of the fact that they are on federally-owned land. It is realized that pollution by pesticides and the like through natural drainage channels into the reservoirs remains as a long-range problem.

By control of river flows, particularly during the late summer and winter months, a flow of water greatly exceeding the previous natural flows, has resulted in a far greater dilution potential for some of the uncontrolled contaminants.

The upstream reservoirs, needless to say, have tremendously reduced the silt content of the water in this area. The water discharged from these reservoirs is crystal clear. For example, the average annual suspended sediment load passing Omaha prior to the operation of the dams was estimated at 175 million tons. It is now estimated at about 35 million tons. This has been a significant factor in municipal water treatment.

We have in the past attempted to work hand in glove with the public health agencies concerned with water pollution. We are here now to learn what we can do to be of assistance. Again, I say we shall continue to do so enthusiastically to the limit of our authority.

Thank you.

CHAIRMAN STEIN: Thank you, Mr. Otto.

Any comment or question?

MR. SAMSON: Do you have any knowledge of any Federal installations in the immediate area, I am talking now about Sioux City to Kansas City, discharging untreated wastes into the Missouri River?

MR. OTTO: No, sir, I don't.

MR. SAMSON: Thank you.

MR. OTTO: No Federal agencies.

MR. SAMSON: No Federal installations? Thank you.

MR. CLARE: Thank you, Mr. Otto.

MR. OTTO: Yes, sir.

MR. CLARE: Those of us who work on water pollution control in the Missouri Basin Region appreciate the help that the Corps has given and the attitude that you have had on this.

CHAIRMAN STEIN: Thank you. You know, the Corps has been one of our sister agencies and we always appreciate its help.

Now let's go off the record.

(Off the record.)

MR. CLARE: Incidentally, the President is very interested in seeing that the Federal agencies set an example in water pollution control, and in this vein he has issued Executive Order 11288, which in effect orders the Federal agencies, as I said, to set the example and to prevent the discharge of untreated wastes that Mr. Samson referred to.

MR. SAMSON: Thank you.

MR. CLARE: Mr. Gubser, of the Bureau of Sport Fisheries and Wildlife, indicated that there would be a representative of that Bureau of the Department of the Interior here today. Is there anyone here?

Do you have a statement, sir? May we have your name?

MR. COATS: I am James Coats from Grand Island. Mr. Gubser was sorry he couldn't make it. I have no statement to make.

I have with me Mr. Ivan Haychausen from our office in Grand Island.

MR. CLARE: Thank you very much.

There was some concern on the part of some of the Congressmen when the water pollution control program was transferred out of the Public Health Service about how public health aspects of water pollution control would be handled. In the Reorganization Plan which was issued by President Johnson last February, a year ago last February, he provided that an agreement be drawn up between the Departments of Interior and Health, Education, and Welfare covering this aspect, and with us today is Mr. Aleck Alexander, who is the Chief of the Water Supply Activities in the Public Health Service, Region VI office in Kansas City.

Mr. Alexander.

MR. ALEXANDER: I have a short statement*, and if I may be given the liberty of giving it to you later on in print, I would appreciate it. But if you get it transcribed, I wouldn't mind looking at it also.

Mr. Chairman, conferees and guests:

My name is Aleck Alexander, as Mr. Clare told you, and I am Director of the Water Supply Program of the Public Health Service in DHEW, Region VI, which includes the States of Missouri, Kansas, Nebraska, Iowa, which are all involved in this conference, and in addition North Dakota, South Dakota, and Minnesota. We appreciate the invitation to participate in this important conference as the Federal Government's official public health agency.

The conference was called, if you will refer to the original summaries and transcripts, because untreated wastes from one State were believed to endanger health and welfare of persons in another State, and subsequent action has been directed toward the reduction or elimination of this threat. Mr. Stein has again today on several occasions referred to the potential health hazards. So it is apparent why the Public Health Service is important as a cooperator in this program.

*See Appendix X

I am pleased to be here to continue the Public Health Service representation and participation in this cooperative job of protecting the public health, our basic responsibility. Although all of the previous conferences and meetings on this matter were conducted by DHEW, our role has been modified and our responsibilities have been altered. The Public Health Service is still fully responsible for the Federal program of safeguarding the quality of municipal, domestic water supplies, and we are greatly concerned about this responsibility. In this Region there are some 70 water supplies which are sources for interstate carriers, and we have a direct responsibility for the quality of these sources.

For the other domestic water supplies in the States in this Region, we cooperate closely and consult with the state health departments on their drinking water to assist them in any way we can.

In regard to the Missouri River below Omaha, there are 15 municipal domestic water supplies which derive their raw water from this stream. We join the conferees in their desire for abatement of the Omaha Pollution problem as soon as possible and hope we can contribute to this in some way.

In the field of water pollution control, our entire program responsibilities and activities are directed towards the public health features. Our activities include studies and research and consultation to Federal water pollution control program and their activities. Since the recent transfer of the water pollution control activities from the Department of Health, Education, and Welfare to the Department of the Interior, the water pollution control activities of the Public Health Service which remain are incorporated into the Public Health Service Water Supply and Sea Resources Program. In this particular region we dropped the Sea Resources, although I have hopes that some day maybe we will re-insert them and establish some program of public health aspects of sea resources.

Anyhow, most of us in this program have not had the benefit of previous and detailed work on these problems in water pollution control. For me this first meeting has been an excellent introduction into the history and status of the Omaha 4-State area program for improvement and preservation of Missouri River water quality. We in the Public Health Service are ready and anxious to do whatever we can to cooperate and assist in the job of safeguarding the quality of Missouri River water which is used as a domestic water source and to otherwise protect the public health.

That is the end of my statement.

I have in the past had a disagreement with Herb about his wording of the, oh, public health aspects of water pollution control and wherein we derive our authorities. I am not going to go into a great argument with him because my attorney isn't here and his is sitting on his right. (Laughter) But I do want to make this statement, that rather than satisfy the apprehension of several Congressmen who questioned our role, Congress in their amendments to the Water Pollution Control Act of 1965 stated unequivocably that the new agency which was created would consult with the Public Health Service on public health aspects.

Now, to go further, when President Johnson transferred this Agency from DHEW, he had to ask that this consultation be developed as an agreement between the Secretaries of two departments. So I think that it is more Congressional apprehension rather than several Congressmen, Herb. Next time I will have my attorney with me. (Laughter)

Thank you.

MR. CLARE: Wait a minute.

CHAIRMAN STEIN: Wait a moment.

MR. ALEXANDER: O.K.

CHAIRMAN STEIN: You know, for about 15 years I was your attorney too. (Laughter)

MR. ALEXANDER: Yes, but you deserted the ship, Murray.

CHAIRMAN STEIN: I didn't. I am still with it. You know, I can tell why these two guys are having a disagreement. As far as I know, they are the only two fellows in the room who were educated in Moscow--Moscow, Idaho.

Go ahead.

MR. CLARE: Aleck, I don't think our disagreement is very deep. I am sorry that I said a few Congressmen. There were enough, certainly, that introduced into the testimony on the reorganization enough concern that the matter was covered by an agreement, and this agreement is very explicit.

MR. ALEXANDER: Yes.

MR. CLARE: And if we have not consulted with you as often as we should, we hope that you will bring it to our attention.

MR. ALEXANDER: No, let me clarify that, Herb.

I have nothing but the greatest respect for you and I wish to thank you for going overboard consulting with us. In fact, you have overwhelmed me with your kindness and I just can't keep up with you in all your actions.

But that isn't it at all. The difference of agreement isn't animosity. I disagree with your publisher, just as the Kennedys disagreed with Manchester--I might as well be in good company--and Hedy Lamarr disagreed with her publisher; because in this little pamphlet they say that Section 2(k), which is the section that requires consultation, is not an amendment, and yet it was passed as an amendment in the 1965 Act. So, Herb, the disagreement goes further back and it is a friendly one.

Thank you.

MR. CLARE: Thank you, Aleck.

Aleck and I were not only educated in the same university, as Murray indicated, but we were associates for many years.

Unless I have overlooked someone, I think we have recognized the Federal representatives here. Is there any other Federal representative that I have inadvertently overlooked? If not, then, Mr. Stein, that completes the federal presentation.

CHAIRMAN STEIN: All right.

If this ends the Federal presention, the conferees will discuss the questions we have now, unless anyone else feels that he would like to say something at this point, before that discussion.

We have, I think, two major points to consider. One, I think, was a very complete and impressive presentation by the city of Omaha, the attorneys, the engineers, the representatives of the city and corporation and what they are going to do in their proposals. I think whatever the conferees might think of the merits of it, the presentation was as clear and as candid and as informative as any that I have ever been fortunate enough to hear, and I have heard many. I think all the facts are out.

We have heard a recommendation made by Mr. Smith of Missouri. Now, there are two issues before the conferees. One of the major reasons for the calling of this conference, in addition to our periodic checkups--and by the way, let me just stop here and say I think that we have found through the years a key to keeping a complex situation going along, such as we have in Omaha, is having periodic meetings about once every six months that ties things together and see if we are making progress and see if you have lagged behind.

The representation that we have here is that Omaha will adhere to a time schedule for completion. This is the first time this has formally been presented to the conferees. We have had this before. I don't think these dates are any surprise to the conferees. Omaha has stated that it expects to meet this time schedule. At the present time, the conferees have endorsed a time schedule with which the people in Omaha are out of compliance and technically out of compliance. The time schedule, to repeat, is May 20, 1967, completion of final design of complete facilities; July 1, 1967, advertisement for bids for complete facilities; August 15, 1967, commencement of construction of complete facilities; May 1, 1968, completion of construction of all facilities; June 1, 1968, place all facilities in complete operation.

I don't think there is any difference among any of the parties in placing the facts forward. I think the city officials and the corporation officials placed the issue as clearly as they could see it, giving us the problem areas, as well as the areas where there were no problems. I think the conferees, as they are supposed to do, including myself, pointed to what we might consider troublesome areas. The fact that we pointed to these troublesome areas doesn't indicate that the basic plan might not be all right. Our function, at least in a meeting like this, is not to spend as much time on praise of the areas in which there is no problem as to point out and discuss the areas in which there might be some question. I think we recognize the proposal and we have to appraise the possibility of its being met or not being met.

Now, I think we have two questions before the conferees. One is the question of whether the conferees accept the time schedule as proposed as the recommendation of the conferees. The second question is whether we accept the motion of Mr. Smith of Missouri, recommending to the Secretary that he call a public hearing in this matter. Now, since this is a conference and since these two questions seem to me inextricably woven, I think I would like to call on conferees to discuss both of these, if they wish, or one of them, and come back to them if they want to discuss the other. Then we can go through the questions one by one and see if we can come out.

With this, I would like to turn to Mr. Smith again. We have two questions and I think I understand your motion, but I wonder if you could address yourself as to what you think of this time schedule proposed, Mr. Smith, and then indicate if you still think your motion is in order and how it would fit in with this.

MR. SMITH: Well, I think there have been other schedules presented and I think we have to look at the facts. The facts are that the schedules have not been met and at this date there are still some problems that are not answered.

As far as we are concerned, the grease, the pollution problem continues. It is our recommendation and our feeling that we ought to proceed with a hearing. I think this would have advantages to the city of Omaha and to the other States involved, if there are other sources of pollution that we might be appraised of these and that we have something definite and more concrete that we can tie to. In other words, a conference procedure could go on for 10 years.

And it has gone on for 10 years. It could go on for another 10 years. Now, there is just one way to halt this that I know that would be an affirmative action and that would be to go to the next procedure, which is a hearing.

CHAIRMAN STEIN: Let me ask you one question. Hearing or no--and I think I understand your motion and I think the other conferees know very clearly--what would you think of this as a schedule now as a realistic one to meet the issue? Would you be satisfied if these dates were met?

MR. SMITH: I think so.

CHAIRMAN STEIN: O.K.

I wonder if we can turn to Iowa. Mr. Schliekelman, do you care to comment on these two points?

MR. SCHLIEKELMAN: Well, I think the schedule is realistic provided they could meet financing. There still is this problem to be resolved with Internal Revenue Service, but if that could be resolved, maybe the financing could be completed. I think if it weren't for that, the schedule would definitely be realistic.

With respect to Mr. Smith's motion regarding the possibility of a hearing, I think very definitely that should probably be in order, because, as he says, this has continued for a long time, and I think most States are getting a little tired of meeting here every six months or year intervals to try to get this thing resolved. I think for that reason we would certainly be in favor of the possibility of a hearing in this situation.

CHAIRMAN STEIN: Mr. Gray.

MR. GRAY: I believe that the schedule and proposal on paper is satisfactory and feasible and that we would be satisfied with compliance with this.

However, on the aspect of a hearing, I recognize that there have been administrative changes within the local situation concerning Omaha. However, we do have to look at the past years of record and the intentions and promises in that respect; and I definitely feel that a hearing is in order, in order to conserve time in the future. I think there are some unanswered questions with respect to the Missouri River, and I believe this would be in the best interests of all States concerned because of our economy--our industrial and municipal growth continues at a very rapid rate. Time lost now could be very serious in the near future if this were to be prolonged for any period of time, several years, so to speak.

CHAIRMAN STEIN: I will call on Nebraska.

MR. SAMSON: Dr. Rogers will speak in behalf of the State of Nebraska.

DR. ROGERS: John, you are very good at buck passing today.

Mr. Chairman, I think it is unfair to hold this previous time schedule, this deadline date, up and accuse Omaha of reneging on their promises because they have not met that date. This was a totally unrealistic deadline; it was not considered by any of the conferees, in my personal opinion, as being realistic at the time it was established. So I think this is something that is behind us now. We should forget about that and consider only the proposal that is before us as far as the present time schedule is concerned.

If I thought that our actions were going to have any effect whatsoever on the Secretary of the Interior as to whether he would call a hearing or not, I would be more inclined to be willing to vote on it. I have the feeling that he is going to make up his own mind, regardless of what action this conference takes anyhow.

But I would point out that this hearing procedure will not set this deadline date for the operation of the pollution control facilities in Omaha ahead by a single day. In fact, in my opinion, it might delay it. It might be the reason that many persons in the Omaha community would find to re-evaluate what they are planning to do. If I were faced with a hearing, the possibility that everything I was doing would be overturned and I would be forced to do something else as a result of the hearing, I don't believe I would be willing to go ahead on a course of action until I found out what the result of the hearing was going to be. So from this standpoint, it might even delay the abatement of the pollution of the Missouri River.

So I would be completely opposed to going on record as petitioning the Secretary to hold a hearing in this case and would be perfectly willing to let Omaha proceed as they have in the past as rapidly as possible toward the thing that we are all trying to see accomplished--abatement of pollution of the Missouri River.

CHAIRMAN STEIN: But you think the schedule proposed here is a realistic one?

DR. ROGERS: I think it is realistic and attainable.

CHAIRMAN STEIN: And will endorse it?

DR. ROGERS: Yes, sir.

CHAIRMAN STEIN: Thank you. The questions I am asking now are largely for the purpose of the record and framing of the issues. Mr. Smith, as you know, has not made any secret of his feelings for a hearing, as indicated by the record and his letters before. But he has indicated, at least to me, the reason why he thinks we would be ahead with a hearing.

Do you want to reply to that, about why you think the hearing will put us ahead, Mr. Smith, at this point on the record?

MR. SMITH: Well, I think that you have to look at the past, and you see that the conference has not obtained the objective of getting these facilities in. There is no reason to believe that the conferences will end. They have been going on for 10 years; they may go on for another 10 years. And I think to achieve, if this is necessary, this step must be taken, this hearing step must be taken. I think that it would firm up for the other States as well as for the people of Omaha the positive action that is necessary.

I think this is a positive step. I say, sure, it might result in some delays, but I think in the ultimate, in the long-range view, it would not.

CHAIRMAN STEIN: Mr. Clare?

MR. CLARE: Yes, I think I would like to make a few remarks.

First of all, the schedule certainly sounds reasonable. I mean this is something that the people of Omaha have figured out, and I certainly have no reason to think that it is unreasonable. Therefore, I would be willing to accept it.

As far as the hearing is concerned, actually the first schedule set up for Omaha was not established at the last conference. It was established after the first conference in, I believe, 1957, and that schedule is I don't know how many years off now. I mean I don't know how many years off we are from accomplishing what was set up there. The schedule has been modified at every one of our conferences, and now we have a new one it looks like we might be able to follow.

However, there are several "ifs". As those of you who heard the statements this morning will recall, the big one is the question about what Internal Revenue Service will do as far as tax exemption on the bonds is concerned.

Our office has felt right along that we should have followed the same pattern for Omaha that we did for Sioux City and St. Joseph, for example. When those cities defaulted on the schedule and were not making progress toward pollution abatement, we went to hearings without any questions or debate, really, among the conferees. Now, you say that Omaha is making progress, but the progress that is being made has not been, in many people's opinion, satisfactory, and I would agree with that.

It seems to me that we could proceed with scheduling of a hearing because there has to be a time lapse between the decision for the hearing, that a hearing will be held, and the actual time of holding the hearing. Now, Mr. Stein can tell us how much this time lapse has to be.

There is another thing I would like for him to indicate. Suppose that we go ahead with our recommendation that a hearing be arranged and we find that a favorable ruling does come out of IRS and the city can proceed with this schedule, even if they don't get Federal money. These are all "ifs" that are in there. If these are all positive and we come up to, let's say, June 30 and everything is going fine, they have got the financing all arranged and IRS has given a favorable decision, I would like to ask Mr. Stein if the hearing can be, in effect, called off or if arrangements can be canceled. I think this would perhaps have some effect on my final comment as far as a hearing is concerned.

CHAIRMAN STEIN: Well, the answer is, of course it can be called off if these things happen. I don't think there is any question.

I think you people have been with me long enough to know--and I think, Herb, you are going to be in the same situation; we have worked together for more years than possibly we care to remember--but if we ever went in on any case, whether this or a hearing or anything else, and we thought someone was making satisfactory progress, we would go in and say so and say there was no need for it and zip up our briefcases and go home. I don't think they could get us to say that there was a problem when we didn't think there was one.

MR. CLARE: Well, if that can be done, in other words if a hearing can be called contingent upon a breakdown in the schedule or arrangements, I would be in favor of going ahead with the arrangements for a hearing.

CHAIRMAN STEIN: All right. Now, let me try to frame this a little more closely. Let me say I have taken a poll on this and I think I may be able to give the thing in a box score.

There are five groups here: Missouri, Iowa, Kansas, Nebraska, and the Federal Government. All are unanimous in their view that the schedule proposed at this meeting is a satisfactory one. Now, Missouri, Iowa, Kansas, and the Federal people are in favor of scheduling a hearing; Nebraska is not.

Before we leave all that, I wonder, I am not sure that we are going to be able to get a third view here, but I just want to throw this out as a possibility before we go on, and this is a point about the other schedule being unrealistic, as suggested by Dr. Rogers.

Here is something I think all the parties have to face. We set a schedule up in 1957, and when you are talking about schedules let me read to you from the first one:

"That detailed plans and specifications for the improvement and expansion of Papillion Creek waste treatment plant in Omaha be completed by September 1, 1957, and contract awards for construction of this facility be made by January 1, 1958; that detailed final plans and specifications for North Omaha interceptor sewers (Burt-Izzard District and above) be completed by July 1958 and contract be awarded for the construction of this facility by January 1, 1959; that detailed final plans and specifications for North Omaha sewage treatment plant be completed by September 1, 1958, and contract be awarded for this facility by January 1, 1959; that detailed final plans and specifications for South Omaha interceptor sewers (below Douglas Street Bridge) be completed by September 1, 1959, and contract be awarded for this facility not later than January 1, 1960; that detailed final plans and specifications for a South Omaha sewage treatment plant be completed by September 1, 1959, and that a contract be awarded for this facility not later than January 1, 1960.

"That the city of Omaha authorize the engineering study for South Omaha interceptors and a South Omaha treatment plant by July 15, 1957.

"That the city of Omaha, Nebraska, submit the financing of its proposed waste treatment facilities to its voters in November 1957."

I think that we should point out here--I am going to make this as far as I am concerned--that in view of this kind of record I don't think we can say the conferees, including the four States, and we were all unanimous in this, and the Federal Government, have made unrealistic demands and requirements on the city of Omaha. As a matter of fact, I think it goes the other way.

But I do think we have this kind of proposition. As I understood Mr. Smith before--see if I am stating your position correctly, because I don't know whether you brought it out here--he pointed out that it is true we wouldn't be ahead, as Dr. Rogers pointed out, with any schedule by holding a hearing. Because I think given our present posture you can't reasonably expect it to move faster than you have these dates down here and do any kind of a careful and workmanlike job that we wouldn't regret. But the point is as Mr. Smith has indicated--if we make preparations for a hearing and the schedule is not met, we will be that much farther down the road toward meeting the next step.

Am I stating the position correctly?

MR. SMITH: Correct.

CHAIRMAN STEIN: Now, however, the way it looks to me, we have another kind of situation here. I think the key date we have here is July 1, 1967. Now again check me, see if I am wrong. I do not believe Omaha--and I would advise you not to do it, I think your lawyers will advise you not to do it--should go in and advertise for bids unless you mean business and unless you are serious and have your financing lined up, because, you know, this is the kind of act I don't think a city like Omaha would engage in, or the corporation.

In other words, you are going to have to have a pretty good idea where all your money is going to come from, what the status of your bond issue is going to be, and pretty much whether you are going to go it with or without a Federal grant and making your decision one way or the other by the time you put out bids, because there isn't much time from the advertisement of bids and the August 15 commencement of construction. When do you expect to award the bid, for example?

MR. KORBITZ: August 15.

CHAIRMAN STEIN: August 15?

MR. KORBITZ: Oh, no, the first of August.

CHAIRMAN STEIN: In other words, about August 1, about?

MR. KORBITZ: Yes.

CHAIRMAN STEIN: That is what I figured. Now, this is the way the issue seems to me to be resolved. We are going to know whether they meet this schedule or have a chance of meeting this schedule within the next few months. The question resolves itself down to whether the conferees want to recommend to the Secretary that we call a hearing now and if they don't meet the schedule, if something goes awry, let them go through with the hearing.

If they do meet the schedule and things go forward, we have got two chances. Either the hearing gets canceled or we go through and make the announcement and let the hearing board announce it.

Or the other big alternative is that the Secretary is going to have to face whether he waits for this month or two or three, sees how things are going, and then determines whether to go forward with the hearing.

MR. SAMSON: Mr. Stein, for purpose of clarification, it looks like it is the consensus of the conferees that this matter is headed for a hearing. I would like to ask you if under the procedures, in your opinion, under 660 or the Act which we are proceeding under, such a hearing can be ipso facto just continued. That is my first question: Can it be continued, as we do in many of the court proceedings, from that date to a future date? Do you feel in your opinion that such a hearing can be continued?

CHAIRMAN STEIN: Well, here, let me answer. One, the Secretary is the only one who can determine whether he is going to call a hearing or not. We can just make recommendations to him.

MR. SAMSON: Well, I appreciate that.

CHAIRMAN STEIN: But I do believe that you can get a continuance for a hearing. Now, the problem here--and I think again you all know this--is that since this is not a court action, they are very reluctant to give continuances on any of these things. They are very, very rare.

However, to answer your question, Mr. Samson, I think under the law this is technically possible; I don't know--

MR. SAMSON: All right, now.

CHAIRMAN STEIN: I don't know whether the Secretary would want to do it.

MR. SAMSON: My next question to you is that if such a continuance is contemplated or if a hearing is to be abandoned, would it be agreeable with the conferees that Mr. Stein or the representatives of the Secretary check with the conferees and with yourself, Mr. Stein, first before such a move is made? And I make that statement thinking that we will all want the information as to just what progress Mr. Kutak and his corporation, as well as the city, are making on these deadlines.

CHAIRMAN STEIN: Well, I see what you mean.

MR. SAMSON: I mean you could set the hearing date up.

CHAIRMAN STEIN: I don't know that he will set this up. This is the point.

Here is our problem. John, you are as familiar with this law as I am. Let me give you the problem. We have a statutory hearing rule, this is the court hearing. We have to allow each State a chance to participate before a hearing can go on. The majority of the hearing board cannot be members of the Department of the Interior, and we have to give each State an opportunity to have a representative on the hearing board if we set up a hearing board.

Mr. Samson has served on hearing boards in various places throughout the country, and he knows the hearing board is an ad hoc board set up for that particular hearing and hired or engaged for that particular hearing alone.

Now, when you talk in terms of continuances, let's assume we are going to have a six- or seven-man hearing board. Let's assume we have that. To get all those people together in order to make arrangements with them to serve on the hearing board, you must have a date certain. The notion of giving continuances in that kind of situation--and this isn't with just one judge who is giving it or a hearing officer--is quite a bit different than giving continuances in the kind of legal or administrative proceedings that we are used to.

So I think a basic question--and I will try to think this out with you--that the Secretary is going to have to make is whether he is going to call the hearing at all, because I don't want to hold out any hopes of continuances given this kind of situation. But I think he is going to be faced with, certainly, accepting your recommendation here or not.

Now, what I am pointing out, we have two positions here and I am pointing out a possible third one. I haven't heard this from any conferees, any of the conferees. One position was, yes, that we hold a hearing, and this was a recommendation. One was a recommendation that we don't have a recommendation at all, from Nebraska. I think a third possibility might be that we are going to be able to come up with a pretty good judgment in a relatively short time, and I think, just like you indicated that the time you gave us was an outside time--

MR. KUTAK: Speaking as these engineers do, it is a conservative estimate.

CHAIRMAN STEIN: Yes, sir. In other words, I think the other alternative is we may, and this may take this time anyway, get our indication on the IRS ruling. In other words, if the IRS ruling comes out in, say, a month or six weeks, then three possibilities are there. It is like everything else, it comes in three. Either they approve, they disapprove, or further discussions.

MR. KUTAK: Recommend changes.

CHAIRMAN STEIN: Yes, further discussions. O. K. Whatever they do, if they approve, disapprove or recommend the changes go on, the possibility may be in that spot whether at that time the Secretary would make a determination whether we would consider holding a hearing or not, because at that time he may be in a little better position to find out whether the schedule is going to be met or not.

You see, at the present time we have got an if, and the if is if they say o.k. or if the change by IRS is so minor as to require a change of a comma or a phrase that the corporation will be ready to comply with overnight, or you might want to even say o.k.

while you are in Washington without even going back and consulting. If it is this kind of change it is wonderful. If they say no or if you are going to be involved in intensive discussions, again I am sure in dealing with Omaha there has been a full disclosure, they would be the first to tell us that the schedule can't be met any more and then possibly a determination could be made.

So what I am pointing out--

MR. SAMSON: Would that mean another conference then?

CHAIRMAN STEIN: No, I wouldn't say. I think, as far as I can gather the sentiment of these things, this isn't a conference. This is just a progress meeting. I am not sure but what, as Mr. Smith says, and again this is up to the Secretary, the days of the conference may be over. Either we are going ahead with the job or we get a recommendation from four or five of the conferees that we go to a hearing.

What I am suggesting in the middle ground, if we are taking this schedule as the thing we all think to be desirable, is it a possible area of compromise where we can possibly hold off the determination until we find one way or another whether this schedule is going to be met. The reason I say this is this schedule isn't going to--we are not going to have to wait, in my opinion, four, five, or six months. We should be able to determine that at the outside in two months, in my opinion.

This is a third alternative that may be in between, but if the conferees, of course, want to recommend otherwise, this is our recommendation.

MR. SMITH: It is my feeling that if the Secretary is going to exercise some judgment on calling a hearing and he is aware of this schedule as well as we are, then he can make this decision. I think the point is that we are here now and when we reach a decision that we ought to advise the Secretary what our decision is.

CHAIRMAN STEIN: Yes.

MR. SMITH: Let him decide whether or not he wants to call a hearing.

MR. SAMSON: Mr. Smith, will you be willing to modify or amend your motion into the area that if the July 1 deadline isn't met that a hearing be called?

MR. SMITH: Oh, I think this would be up to him to decide this. We are suggesting that he consider a hearing, and I think he will have to make the decision about the dates. I don't think we ought to recommend dates to him.

CHAIRMAN STEIN: Does anyone else have anything to say or have your positions been stated?

Yes.

MR. SCHLIEKELMAN: One other possibility is how realistic this $6 million figure might be. It might come up to this contract award date and not be able to award it because of lack of money. I don't know whether that might be a problem at that time or not. Of course, if there is any possibility of Federal aid--

MR. KUTAK: If I could comment on that to the conference, we don't have any apprehension, sir. As a matter of fact, we will have received what we call upset bids, in other words commitments, to assure us that the total bids when they are awarded on the basis of the final plans and specifications will not exceed the total amount of bond issue, which is 4.8. So we have protection already built in on that problem.

CHAIRMAN STEIN: Are there any other comments? Are you satisfied with that?

MR. SCHLIEKELMAN: Yes.

MR. SAMSON: Mr. Stein, might I suggest that in the event of what I think is going to transpire here this afternoon, in your submission to the council and with this agreement with the other conferees here, you convey the thinking to the Secretary that he should consider the July 1 date on the deadline and proceed from there.

CHAIRMAN STEIN: Are there any comments or questions?

MR. GRAY: I don't believe that is what the conferees voted on, is it?

CHAIRMAN STEIN: No, no.

MR. SAMSON: No.

CHAIRMAN STEIN: But we can do this as an alternative of Nebraska. You know, what we are doing here is providing a summary.

MR. CLARE: Well, Mr. Stein indicated that this is a modification of Nebraska's vote. Is that correct?

CHAIRMAN STEIN: This is a proposal that has been made by Nebraska. As I understand, this is the second time it has been made to Mr. Smith. Mr. Smith has not taken it up. As far as I know, the other conferees haven't. I tried an in-between position which was about the same as this, I thought, and the other conferees didn't. I am sure that if this is Nebraska's proposal, we will convey this and that this and the other points will be considered by the Secretary in making a determination on the hearing.

Do we have any other comments from the other conferees?

Let me see if I can state what I think are the views of the conferees.

The conferees are agreed that the schedule for the balance of the main packing house project as submitted by Omaha is reasonable and acceptable to them. This schedule is as follows:

May 20, 1967, completion of final design of complete facilities;

July 1, 1967, advertisement of bids for complete facilities;

August 15, 1967, commencement of construction of complete facilities;

May 1, 1968, completion of construction of all facilities;

June 1, 1968, place all facilities in complete operation.

In view of the past history of the Omaha pollution situation, the conferees representing Missouri, Iowa, Kansas, and the Federal conferee have asked that the Secretary call a public hearing in this matter, the next stage being enforcement action. The Nebraska conferees were opposed to the calling of the conference, pointing out, among other things, that it would not speed up the project any and, in fact, it might slow it up, because people might wait to see what the conferees decided. It was suggested in addition by Nebraska that no determination should be made on this conference question until after July 1 and only if it were apparent that the July 1 deadline for advertisement for bids could not be met.

The Chairman suggested, and this was not accepted by any of the conferees, that the area of agreement, of unanimity of agreement, was the schedule that was mentioned and the essence of any action was the compliance with this schedule and that until it was evident that the schedule would not be met it might be wise to defer the calling of a conference until it was determined that schedule could not be met. The first indication that we would have as to whether the schedule could or could not be met would be a ruling on the tax status of the bond issue, which should be forthcoming within the next six weeks.

Is that a fair statement?

DR. ROGERS: Mr. Chairman, I would accept your summary if you change the word "conference" to "hearing" in all of the statements that you have just made which were relative to a hearing rather than a conference.

CHAIRMAN STEIN: Yes, I will do that, sir. Yes, that will be done, that is a hearing.

Are there any further comments or questions?

MR. CLARE: I would like to make a comment.

CHAIRMAN STEIN: Yes.

MR. CLARE: As a conferee I agree, and it is my feeling that maybe the other conferees also agree, with Mr. Filipi's hope expressed this morning that this is the last conference.

CHAIRMAN STEIN: Well, I think from what I can see at the table, and again I point out that this was a meeting in the way of a conference, but I suspect it is the last conference. You know, either we are going to comply with the schedule and we will be through or we may have to go to a hearing.

I would hope, and you may want to do this, it may be that we should not close the door on further progress meetings in between. We may not have to have them. But as a matter of fact, Omaha may want to have those, particularly if you are doing a good job, because if the job is being done--

MR. KORBITZ: When, not if.

CHAIRMAN STEIN: Right, when. Because I will tell you this, and I think we can say this for Mr. Clare, that while this is an enforcement operation, this is not in any sense an adversary proceeding. You know, when they opened the St. Joseph plant, I was one of the speakers at the opening. The cop gets called in as speaker for the opening of the plant.

We would be the first to come in when we have done a job and to say that the job is going, and I recognize the difficulties. But again, as you know, you have obligations to the downstream States and we do have this duty.

Let me make another thing clear. In the history of water pollution control--I am trying to think if there is any exception to this; there isn't, and if there is, correct me--in the history of water pollution control we have never gone to a hearing without the request and the pushing of the State agencies. I don't think we have ever gone in really over State objection. And you don't often get that in our system of government, in a State-Federal operation.

I think I am reading the ground swell here and I think you have a good program worked out now, but the time fuse is very, very short. I would hope we would be able to resolve this without going to a hearing. You know, we wear many different hats and I don't know--of course, Mr. Samson has seen me when we have a hearing. You know, you come in and in effect you are presenting a case for the government and you are, in a sense, like a prosecutor. It is quite a bit different than we are now. Testimony is given under oath and the parties to the hearing are not only the city or the corporation and us and the States, but it involves every specific discharger in the area.

I don't often engage on that level, but there are many cases when we have the three States asking us to do this.

MR. SAMSON: I was going to ask Mr. Kutak whether he could sort of keep the conferees, through Mr. Stein, advised on the progress on the negotiations with the IRS.

MR. KUTAK: By all means, Mr. Samson. We assure you that we are in contact with the IRS weekly, so we could get you the word almost instantaneously.

CHAIRMAN STEIN: When you come to Washington or when you are dealing with IRS, I suggest you keep in touch with us, Mr. Clare and myself, by telephone and let us know what the score is.

MR. KUTAK: We surely will, Mr. Stein.

CHAIRMAN STEIN: Because I think this very well may be a key point. And let me tell you, I certainly had no intimation of how this would come out when I came out here. This business of State-Federal-local relations, as I pointed out, is a complicated one indeed. It is very interesting, but not a very easy operation.

I tell you very frankly, I will go back to the Secretary with this recommendation with a sense of disappointment and failure, because, you know, when you have to go this far, to recommend a hearing, this is an indication to me that we haven't done our job. Of course, it has been 10 years, and the States want this, and we are surely going to carry back the message to the Secretary as accurately as we possibly can.

Mr. Samson.

MR. SAMSON: I was going to suggest, Mr. Kutak, and I realize that this list sometimes gets out of control, but probably in the echelon of operation it might be well also that you not only keep Mr. Stein advised, but as far as Nebraska Water Pollution Control Council is concerned if you would at the same time keep Mr. Filipi advised, or I am just two floors from you, you can do it to me and I can convey it to Mr. Filipi.

MR. KUTAK: I would suspect, and I won't attempt any facetiousness here, but there will be a headline whenever the IRS ruling comes out and the information will be made public.

MR. SAMSON: Our Water Pollution Control Council and Mr. Stein should be notified.

MR. KUTAK: I will see to that formally and promptly.

MR. SAMSON: Thank you.

CHAIRMAN STEIN: We will get the summary of the meeting out and will get this to the Secretary.

Does anyone else want to say anything before we adjourn?

MR. KORBITZ: Mr. Stein.

CHAIRMAN STEIN: Yes.

MR. KORBITZ: I might say two things. One is, I don't think I mentioned it this morning, I would like to state that I personally feel that a commendation is in order for the packing industry people in Omaha for what they have done on the interim basis.

And then also, I was hopeful that we would have another meeting of the conferees, say in another six months, so we could take a field trip of our construction, which will be under way by then.

CHAIRMAN STEIN: Yes. Well, o.k. Now, I strongly advise this. I am with you on this if we go ahead. I strongly advise these field trips and not expanding on this. You know, we had just such a recent trip in St. Louis when Senator Muskie was out to make that speech, and I think this did a lot to dissipate the feeling.

And I say to you people who are in the room here, don't get discouraged, because this is the kind of situation that we are in I think in almost every pollution case at one time or another. There are sometimes when the Feds walk in and we practically have to go in and out of the city under armed guard. The next time when the plant gets built, we come back in as heroes.

I remember when we went through that St. Louis situation. We had to build a tremendous interceptor sewer. That thing is so big that they ran a train through it, you know, under construction. It was like building a subway. Of course, the logical place for the interceptor to go through was through the industrial district. You know, it was right down where all the plants were, and so forth and so on. Well, when we built that, the accusation came to us that we were all in collusion with one another, I guess, and we were unduly enriching the industrial firms that had the property along there, when this was really the only place it could go.

But we were there about a month or two ago when they had these big holes and the trains going through and stuff and took pictures, and everyone seemed to have forgotten the accusations in the wonder of watching the big public works.

I agree with Mr. Korbitz, there is nothing the American people like to do better than watch a big construction job and see it under way, and I hope we will be back out here.

MR. SAMSON: This is off the record.

(Off the record.)

MR. GRAY: I just wanted to indicate that Kansas would welcome an invitation under the conditions you describe, Mr. Korbitz.

CHAIRMAN STEIN: Are there any other comments or questions?

If not, we will entertain a motion to adjourn.

MR. SAMSON: I move that this meeting be adjourned.

CHAIRMAN STEIN: This meeting is adjourned.

Thank you.

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REPORTER'S CERTIFICATE

I, VIRGINIA H. RANKIN, Certified Shorthand Reporter, do hereby certify that the proceedings of the Progress Evaluation Meeting on the matter of Pollution of the Interstate Waters of the Missouri River, Omaha, Nebraska, Area, at the time and place set forth in the caption page hereof, were reported in shorthand by me, afterwards transcribed, and that the foregoing pages numbered 1 to 56, inclusive, contain a true transcript of said shorthand notes.

Virginia H. Rankin, C.S.R.
Certified Shorthand Reporter

Virginia H. Rankin, CSR
6005 E. 93rd Street
Kansas City, Mo. 64138

Telephone: SOuth 1-1464

March 3, 1849

UNITED STATES
DEPARTMENT OF THE INTERIOR
FEDERAL WATER POLLUTION CONTROL ADMINISTRATION
MISSOURI BASIN REGION
601 East 12th Street
Kansas City, Missouri 64106

April 25, 1967

TO: Conferees in the matter of pollution of the interstate waters of the Missouri River, Omaha, Nebraska (Iowa, Missouri, Kansas and Nebraska)

FROM: Federal Water Pollution Control Administration

SUBJECT: Omaha Conference Technical Committee - Sixth Meeting

Members of the Committee in attendance were:

Herbert C. Clare, Regional Director, Missouri Basin Region, Federal Water Pollution Control Administration, Kansas City, Missouri
Carl V. Blomgren, Enforcement Program Director, Missouri Basin Region, Federal Water Pollution Control Administration, Kansas City, Missouri
Jack K. Smith, Executive Secretary, Missouri Water Pollution Board, Jefferson City, Missouri
R. J. Schlickelman, Technical Secretary, Iowa Water Pollution Control Commission
T. A. Filipi, Nebraska State Department of Health, Lincoln, Nebraska

Melville Gray of Kansas was absent.

A list of attendees is attached.

The Committee heard from Mr. William Korbitz, Public Works Director, City of Omaha, and representatives of Kirkham Michael and Associates, Consulting Engineers for the Omaha Pollution Control Corporation, established to construct and maintain a collection and waste treatment facility for the packing house industry.

Mr. Korbitz reported that an additional 20,000 pounds of grease was being removed from the sewers in the packing house area. This is in addition to the 10,000 pounds per day that was being removed prior to the intensified effort by the packers. He reported further that skimming from the Monroe Street sewer outlet now amounts to approximately 10,000 pounds per day since the City entered into a contract with the A to Z Products Corporation, Sioux City, Iowa.

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It was reported by the Consulting Engineers' representative, Mr. James Siebken, that a pilot plant study has been under way for some time in the St. Joseph industrial sewer district plant. The schedule submitted by the City of Omaha calls for the placing in operation of all facilities by June, 1968.

The City's representatives stated that there was a hope that money would be available from Federal grants for participation in the construction of the project. Mr. Clare was not encouraging on grants and repeated that Omaha should not delay the project in any way while awaiting action by the Federal Government on grant applications for the project. Mr. Korbitz stated that the mantle of public ownership had been thrown around the facility since the City has underwritten the bonds to be issued by the non-profit corporation and therefore is subject to a contingent liability. It was further pointed out by the representatives of the City of Omaha that the Internal Revenue Service has suggested a modification in the agreement between the non-profit corporation, the packers, Carver-Greenfield Corporation and the City, insofar as to divert all profits from the operations to the City of Omaha.

The details of the design of the collection system, the gravity basins and the air flotation basins were covered by Messrs. Siebken and Korbitz. A document entitled, "Design Factors," was distributed by Mr. Siebken and is attached hereto.

Mr. Filipi reported that he felt there was a need for a sampling study on the River and that sampling stations should be established.

The Technical Committee did not feel that a formal submittal of the plans and specifications, when completed, was necessary. However, the members of the Committee expressed interest in the approach being taken and some of the problems which might be encountered. It was noted that the minimum velocity which will be maintained in the sewers would be 3.3 feet per second. The sewers would be constructed of a plastic lined concrete pipe. It was noted that the plant receiving the packing house waste would be protected from surges to a certain extent by the length of pipeline which will have a flattening effect on large waste discharges from plants in the Omaha area.

The processing of the grease and solids by the Carver-Greenfield Company will be in a plant that will be constructed as a turnkey project for the Omaha Water Pollution Control Corporation.

In summary, Omaha is proposing to treat the wastes from the packing industry in a pre-treatment device in accordance with the effluent recommendations of the Conferees at the March 29, 1966 meeting in Omaha.

Recommendations:

1. The City officials should, on an interim basis, until the permanent facilities are operative, make every effort to continue to reduce the 100,000 pounds of grease per day estimated going to the sewers by removal of at least 30,000 pounds at the industry, and an additional 10,000 pounds by the City through its contractor at the Monroe Street sewer outlet.

2. The City should retain control over the operation of the collection system in order to minimize the possibility of by-passing the packing plant pre-treatment complex and subsequently the south side of the Missouri River Treatment Plant.

HERBERT C. CLARE, P.E.
FWPCA Conferee

Attachment

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NAME	AGENCY	ADDRESS
C. V. Blomgren	FWPCA	Rm. 464 - 601 E. 12th St. Kansas City, Missouri
W. H. Myers, Jr.	FWPCA	Rm. 464 - 601 E. 12th St. Kansas City, Missouri
Evan D. Dildine	FWPCA	Rm. 464 - 601 E. 12th St. Kansas City, Missouri
Garry L. Fisk	FWPCA	Rm. 464 - 601 E. 12th St. Kansas City, Missouri
R. J. Schliekelman	Iowa Health Dept.	Des Moines, Iowa
Jack K. Smith	Mo. Water Pollution Board	Jefferson City, Mo.
Herbert C. Clare	FWPCA	Missouri Basin Region Kansas City, Mo.
Jim Swan	City of Omaha	City Hall
Charles A. Geisler	City of Omaha	City Hall
William E. Korbitz	City of Omaha	City Hall
Jack L. Oldfield	City of Omaha	City Hall
T. A. Filipi	State Health Dept.	Lincoln, Nebraska
E. Bruce Meier	Kirkham, Michael & Assoc.	Omaha, Nebraska
J. B. Siebken	Kirkham, Michael & Assoc.	Omaha, Nebraska
Gene E. Jordan	City of Omaha	City Hall - 108 S. 18th Omaha, Nebraska

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Rankin

City of Omaha, Nebraska

A. V. SORENSEN
MAYOR

PUBLIC WORKS DEPARTMENT
CITY HALL

WILLIAM E. KORBITZ
PUBLIC WORKS DIRECTOR

STATEMENT PRESENTED BY PUBLIC WORKS DIRECTOR WILLIAM E. KORBITZ AT THE PROGRESS EVALUATION MEETING OF THE CONFERENCE IN THE MATTER OF POLLUTION OF INTERSTATE WATERS OF THE MISSOURI RIVER, OMAHA, NEBRASKA, ON MARCH 8, 1967.

At the conclusion of the March 29, 1966 progress evaluation meeting the City of Omaha pledged to the Conferees that we would proceed with due diligence toward temporary and ultimate permanent abatement of pollution of the Missouri River by Omaha waste waters. I am pleased to now be in a position to report the results of our efforts during these intervening eleven months.

At the March 29, 1966 meeting we promised to the Conferees the following:

a. That the City of Omaha would request all of the Omaha packing plant representatives to provide maximum removal of grease from their wastes during the period of design and construction of the packing waste collection and treatment facilities.

b. That the City of Omaha would provide an improved removal of grease from the Monroe Street outlet channel either with City forces or by contract during this interim period.

c. That the City of Omaha, the Omaha packing industry representatives, the Omaha Pollution Control Corporation and the Carver-Greenfield, Incorporated, would proceed expeditiously with the design, financing and construction of the proposed packing waste collection and treatment facilities.

d. That the City of Omaha would perform the necessary industrial wastes sampling and testing activities toward keeping troublesome industrial wastes out of the Omaha public sewers.

Today I can report to the Conferees that we in Omaha have kept faith with you, and that our efforts and results of the past year have justified your understanding and patience. I can report today that our efforts have brought about significant temporary pollution abatement and have brought permanent pollution abatement in the Omaha area to within our grasp.

Temporary grease removal achievements during the past year are as follows:

a. Meetings with representatives of each of the Omaha packing plants brought forth their pledge that they would exert every economical effort toward keeping non-edible grease

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from entering the public sewer system. On April 1st the local packing plants were removing approximately 10,000 ppd of non-edible grease from their wastes before the wastes entered our public sewers. Additional efforts by the packing industry increased this removal to approximately 30,000 ppd. This was accomplished by installation of new grease skimming equipment, new or improved grease removal basins, better control and cleaning of screens in their floor drains, new centrifuges and general employee indoctrination procedures. This means that during the past year the individual packing plant employees have kept approximately an additional 4 million pounds of grease out of the Missouri River.

b. The contract for grease skimming at the Monroe Street outlet channel was terminated because of inadequate performance by the contractor. A new contract for the skimming of grease was awarded and the removal of grease from the Monroe Street outlet channel now averages 10,000 ppd as compared to 2500 ppd under the previous contract.

c. Our City of Omaha industrial waste testing team has been routinely engaged in sampling and testing industrial wastes and tracing improper discharges back to their origin. This is a continuous job which has brought about reduction and removal of several undesirable industrial waste discharges into the Omaha public sewers.

In the pursuit of our ultimate permanent abatement of Missouri River pollution at Omaha great progress has been achieved on the proposed packing wastes disposal system by the City of Omaha, the Omaha packing industry, the Omaha Pollution Control Corporation, and Carver-Greenfield, Inc.

Commencing with March 29, 1966, the date of the previous meeting of these Conferees, specific achievements have been as follows:

a. On March 29, 1966 the Omaha Pollution Control Corporation was incorporated.

b. On May 10, 1966 the Omaha voters approved $1.2 million in bonds to pay for a portion of the $6 million packing waste collection and treatment facilities.

c. On December 1, 1966 contracts were signed between the City of Omaha and the Omaha Pollution Control Corporation for financing and control of facilities; between the City of Omaha and the individual packing plant management setting forth the packing industry participation; and between the City of Omaha and the Carver-Greenfield, Inc. for operation and maintenance of the facilities.

d. On December 20, 1966 I sent to the Regional Director, Federal Water Pollution Control Administration in Kansas City, a schedule of critical dates in our proposed packing waste system design and construction. This schedule indicates that the facilities will be in operation by June 1, 1968 and we are "on schedule" as of today.

e. On March 1, 1967 representatives of Kirkham-Michael & Associates, designers of the facilities, met with representatives of the Nebraska Department of Health and the City of Omaha for a review of the preliminary plans of the collecting sewer and treatment facilities. The collecting sewer design is acceptable and the basic design criteria for the solids removal facilities are also acceptable. The Carver-Greenfield, Inc. engineers are presently conducting pilot plant studies on grease removal at St. Joseph, Missouri, and in Omaha. The results of these pilot plant studies will form the basis for detailed design of the grease removal facilities.

For a statement as to the present financial status of the Omaha packing waste disposal system Mr. Robert Kutak, Attorney for the Omaha Pollution Control Corporation, is present and has requested the opportunity to speak briefly to the Conferees.

The schedule for the balance of our packing waste disposal project is as follows:

May 20, 1967 - completion of final design of complete facilities.

July 1, 1967 - advertisement for bids for complete facilities.

August 15, 1967 - commencement of construction of complete facilities.

May 1, 1968 - completion of construction of all facilities.

June 1, 1968 - place all facilities in complete operation.

As of the date of this meeting we are on schedule, and we expect to meet every date on this schedule.

The City of Omaha has filed an application for a federal grant to financially assist in this project, but as of this date we have not received word of any decision as to the amount of grant to be authorized. We intend to proceed with the project without any delay due to the federal grant application but an early grant authorization will certainly clarify the financial aspects of this project.

Additional progress in our Omaha pollution abatement program involves three grit removal facilities which are required on the interceptor system along the Missouri River. These facilities will remove a grit problem in the interceptor north of the Missouri River treatment plant and also prevent grit and trash problems in the interceptors which bring waste from the Monroe Street outlet and the South Omaha outlet into the south complex of the Missouri River treatment plant. A federal grant has been approved for these facilities, and plans for the Minne Lusa facility are now being reviewed by the Federal Water Pollution Control Administration prior to advertisement for bids. Plans for the two other grit removal facilities will probably be completed within the next 60 days.

In summary, we in Omaha are pleased to report the extensive progress which we have made during the past year, notably:

a. Maximum effort and results to provide economically feasible temporary grease removal by the packing industries and the City of Omaha have been accomplished.

1.57-H

b. We are on schedule with the design and financing of the packing waste disposal system. We expect to commence construction, complete construction and commence operation of the facilities in accordance with the schedule included in this statement.

c. The City of Omaha is proceeding with grit removal facilities which are the only other facilities which are required to enable us to end the Omaha area pollution of the Missouri River.

We are confident that the Federal Government will do all within their power, especially with financial participation, to help us solve this pollution abatement problem.

INDUSTRIAL WASTE ORDINANCE

SEAL OF THE CITY OF OMAHA
NEBRASKA

RULES & REGULATIONS

5-65 1·57-J

OMAHA INDUSTRIAL WASTE ORDINANCE

Ordinance 23364 Adopted May 1965

Ordinance 23732 Amended March 1966

1.57-K

"AN ORDINANCE to amend Title 51 of the Omaha Municipal Code, entitled "Sewers" by adding thereto a new Chapter numbered 51.18, entitled "Commercial and Industrial Use of Public Sewers and Drains"; to establish regulations for commercial and industrial use of public sewers and drains, and the discharge of water and wastes therefrom into the sewer system and into natural outlets: to provide for definitions; to provide for adoption of Rules and Regulations governing the discharge of sewage and industrial wastes and other matter into the City of Omaha sewerage system; to establish rates of surcharge and defining terms; to regulate the discharge of certain commercial and industrial wastes into the sewerage system of the City of Omaha; to regulate discharge thereof into natural water courses under permit; to require that such wastes to be discharged into the city sewer system be authorized by permit from the Chief Plumbing Inspector of the Permits and Inspections Division of the Public Safety Department on the approval of City Sanitary Engineer; to provide a program of inspection and regulation of all discharges of commercial and industrial wastes in the city and its environs, to protect the City's Sewage Treatment Plants; to preclude said wastes from entering such sewer system, unless excessive concentrations are reduced by improved housekeeping and in plant controls to relieve the City's sewage treatment works and plants of the undur burdon thereof; to avoid wrongful or prohibited or improper pollutional effects on the receiving streams; to prohibit the discharge into the city sewer system or into any natural watercourse of the city of certain soluble, insoluble, inflammable, toxic, corrosive, or irritating substances or noxious or deleterious wastes and to authorize the City Sanitary Engineer to make reasonable regulations to govern all discharges, commercial and industrial wastes and the storage of dangerous materials; to require reports from all persons, storing or discharging same, and inspect all such wastes or materials stored or discharged into the city sewer system, or into natural water courses in the city; to determine compliance with the provisions of this ordinance and the regulations authorized hereby; to provide penalties; to provide for appeal; to provide a severability clause; and to provide the effective date hereof.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

Section 1. That Title 51 of the Omaha Municipal Code, entitled "Sewers", be, and hereby is, amended by adding thereto a new chapter numbered 51.18, reading as follows:

" Chapter 51.18

COMMERCIAL AND INDUSTRIAL USE
OF
PUBLIC SEWERS AND DRAINS

"51.18.010 Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

'City' shall mean the City of Omaha, Nebraska.

'Sewage Works' shall mean all facilities for collecting, removal, discharge, conducting, carrying, transporting, pumping, treating, and disposing of sewage.

'Sewage' shall mean a combination of the water carried wastes from residence, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present, containing animal and vegetable matter in suspension or solution and may include liquid from laboratories and industry containing minerals in solution.

'Sanitary Sewage' shall mean wastes which are comparable to wastes which originate in residential units and contain only excrement and waste from kitchen, laundry, bathing, and other usual household facilities.

'Sewer' shall mean a pipe or conduit carrying sewage and other liquid wastes.

'Combined Sewers' shall mean a sewer receiving both surface runoff water and sewage.

'City Sewer' shall mean a sewer serving abutting property and subject to control and regulation by the city.

'Sanitary Sewer' shall mean a sewer which carries sewage and which does not carry storm, surface and ground waters.

'Storm Sewer' or 'Storm Drain' shall mean a pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial and commercial wastes; it may, however, carry cooling waters and unpolluted waters.

'Sewage Treatment Plant' shall mean any arrangement of devices and structures, (above or below ground), used for treating, disposal, carrying and conducting sewage.

'Commercial and Industrial Wastes' shall mean the water-carried wastes from commercial and industrial establishments (processes) as distinguished from household type sanitary sewage.

'Garbage' shall mean solid food wastes from the preparation, cooking, and disposing of food, and from the handling, storage, and sale of products.

'Properly Shredded Garbage' this shall mean the wastes from the preparation, cooking, and the dispensing of food has been shredded to such a degree that all particles may be carried and normally under the flow conditions normally prevailing in the city sewer and with no particle greater than 1/2 inch in any dimension.

'B.O.D.' (abbreviation for bio-chemical, oxygen demand), shall mean the quantity of oxygen utilized in the bio-chemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° centigrade, (68° fahrenheit) expressed in parts per million by weight.

'pH' shall mean logarithm of the reciprocal weight of hydrogen ions in grams per liter of solution.

'Suspended Solids' shall mean solids that either float on the surface or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

'Natural Outlet' shall mean any outlet into watercourse, pond, ditch, lake, or other body of surface or ground water.

'Water Courses' shall mean a channel in which a flow of water occurs either continuously or intermittently.

'Person' shall mean an individual, firm, company, association, society, corporation, or group.

'Standard Laboratory Methods' shall mean methods of analysis and testing as outlined in the Twelfth edition of 'Standard Methods for the Examination of Water and Waste Water' 1960, published jointly by the American Public Health Association, American Waterworks Association, and Water Pollution Control Federation. Three (3) copies of which are on file in the Office of the City Clerk of the City of Omaha, Nebraska, and the same are hereby adopted and incorporated as fully as if set out in length herein and from the date on which this Chapter shall take effect.

'Receiving Stream' shall mean any natural water course into which sewage in discharged.

'S-Meter' shall mean (1) a meter or meters used on a water supply other than a municipal water supply, that is, wells, private water company, etc., or (2) a meter or meters used to supplement the meter or meters measuring a municipal water supply and considered necessary in the determination of the sewage charge and surcharge.

'Slug' shall mean any water or wastes exceeding a concentration greater than five (5) times that of the 'normal sewage', and which is discharged continuously for a period longer than fifteen minutes or at a rate exceeding one thousand (1,000 g.p.m.) gallons per minute.

'Cooling Water' shall mean the water discharged from any system of condensation, air conditioning, cooling, refrigeration, or other, but which shall be free from an increase in odor and oil. It shall contain no polluting substances which would increase B.O.D., or suspended solids each in excess of 10 parts per million by weight.

'Unpolluted Water or Waste' shall mean any water or waste containing none of the following:

Free or emulsified grease or oil; acid or alkali; phenols or other substances imparting tastes and odor in receiving waters; toxic or poisonous substances in suspension, colloidal state or solution; and noxious or odorous gases. It shall contain not more than 8,000 parts per million by weight of dissolved solids, of which not more than 2,500 parts per million shall be as chloride with permissible volume subject to review by the City Sanitary Engineer; and shall not cause an increase of more than ten (10) parts per million each of suspended solids, and B.O.D. The color shall not exceed fifty (50 ppm) parts per million. Any water or wastes, meeting these standards, may be discharged to the waters of the state, under direct supervision of the city, and under permit from the Nebraska Water Pollution Control Council'. Determination of 'unpolluted waters or wastes' shall be made by the City of Omaha working in conjunction with the Nebraska Water Pollution Control Council of the Department of Health, State of Nebraska.

'Recoverable Grease' shall mean 70% of the total grease by n-hexane (B.P. 67°- 70° c) extraction.

'Foreign Accounts' shall mean the water accounts of a political subdivision, other than the Metropolitan Utilities District, which supplies water to and bills the account for the service.

'Waters of the State' shall mean all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies, or accumulations of water surface or underground, natural or artificial, which are situated wholly or partly within the jurisdiction of the State of Nebraska which drain to, or affect a junction with other waters draining to the Missouri River from the territory within the Missouri River Watershed.

'Water Supply Meter' shall mean any meter used on any water supply line supplying water to a premise from any source whether municipal or private, that is, meters on service branches from the municipal water mains, meters on the service branches from private water company water mains, meters on lines from wells and any other meters that shall be determined by the City of Omaha's City Sanitary Engineer.

'Normal Sewage' shall mean sewage that, when discharged in the Papillion Creek Plant service area sewer system, contains not over 300 ppm of suspended solids (2,500) pounds per million gallon and contains not over 240 ppm of the B.O.D., by weight (2,000) pounds per million gallon, or; when discharged in the Missouri River Plant service area sewer system, contains not over 400 ppm of suspended solids (3,332) pounds per million gallons, and which does not contain any of the materials or substances as follows:

1). Any liquid or vapor having a temperature higher than 150° fahrenheit, except where the volume of discharge represents a significant portion of the flow to a particular sewer, a lower limit may be prescribed by resolution of the Omaha City Council to prevent odor nuisances.

2). Wastes having a pH less than 6.5 or greater than 9.75 or otherwise having chemical properties which are hazardous or capable of causing damage to the sewage works or personnel.

3). Insoluble oils, fats, and grease, so called n-hexane (B.P.67^{o}-70^{o}c) oils may be admitted to the extent of 100 ppm, recoverable (833 lbs. per million gallon) provided subsequent dilution in the sewers or treatment plant does not result in separation.

4). Any solvent, liquid or gas which by reason of its major quantity may cause fire or explosion.

5). Any solvent or viscose material which could cause an obstruction to the flow in the sewers, or in any way interfere with the treatment processes; in part being such items or material as: ashes, wax, paraffin, cinders, sand, mud, straw, shavings, metal, blood, grease, rags, lint, feathers, tar, plastics, wood, sawdusts, lubricants, hair, fleshings, and paunch manure, entrails, lime slurrys, beer and distillery slops, grain processing wastes, grinding combinations, accetylene generation, sludge, chemical residues, acid residues, and food processing bulk solids.

6). Wastes contining phenolic compounds over .50 ppm expressed as phenol.

7). Wastes containing cyanides or compounds capable of liberating hydrocyanic acid gas over 2 ppm expressed as hydrogen cyanide.

8). Wastes containing sulfides over 10 ppm expressed as hydrogen sulfide.

9). Wastes containing solutions of metals of such concentration as to have an adverse affect upon the sewage works, treatment process, or receiving stream.

10). Septic tanks sludge, from residential dwellings, except that such sludges may be discharged into selected treatment plants at locations designated by the City Sanitary Engineer, for this purpose.

11). Any corrosive, noxious or malodorous material or substance which, either singularly or by reaction with other wastes, causes or may cause damage to the sewage works or constitutes, or may constitute a public nuisance or hazard or is of such nature as to prevent entry into or about the sewers for maintenance and repair thereof.

12). Concentrated dye wastes and other wastes that are either highly colored or may become highly colored by reacting with other wastes.

13). Any material or substance not specifically mentioned in this section which is in itself corrosive, irritating to human beings and animals, toxic or noxious, or which by interraction with other wastes could produce effects harmful to health and general welfare, including in part deleterious action on the sewage works, adversely affect any treatment process, constitute a hazard to human or animal or have an adverse effect upon the receiving stream.

14). Chlorinated solvents.

'Shall' is mandatory and 'may' is permissive.

'Paunch Manure' The material found in the upper stomachs or paunches of cattle containing feed the animal ate some hours before it was slaughtered plus gastric or digestive excretions within the animal.

'(ppm)' denotes parts per million.

'Surcharge' a charge in addition to Sewer Service Charge for any sewage or industrial wastes other than 'normal' sewage, entering the sewage system.

"51.18.020 Rules and Regulations -- Adoption. With the authorization of the City Council, the City Sanitary Engineer shall make the Rules and Regulations establishing the types and characteristics of sewage, industrial wastes and other matter which shall not be discharged into the City of Omaha Sewerage System, and the types and characteristics of sewage and industrial wastes admissible to the City of Omaha Sewerage System only after pre-treatment; and otherwise governing the discharge of sewage and other matter into the City of Omaha Sewerage System in the interest of the safe and efficient operation of said system. Said Rules and Regulations shall be adopted by resolution by the City Council, City of Omaha, a copy of which shall be on file with the City Clerk, City of Omaha.

"51.18.030 Surcharge - Special Surcharge. There is hereby charged to each lot, parcel of land, building or premises discharging sewage industrial wastes, water or other liquid, other than 'Normal Sewage', either:

1). Into the City of Omaha Sewerage System;

2). Into a stream; or,

3). In a manner contrary to law.

A surcharge established herein, in addition to the charge now or hereafter fixed for 'Normal Sewage'. The basis of the surcharge shall be determined on each of three constituents of the water or wastes:

a). Total suspended solids as herein provided; and

b). B.O.D., five (5) days at 20 degree centigrade where applicable as outlined elsewhere in this section.

c). Recoverable grease and as herein provided.

When anyone or all of the total suspended solids B.O.D., and recoverable grease of a water or wastes accepted for admission to the city sewage works exceeds the values of these constituents for 'normal' sewage, the excess concentration in each case shall be evaluated volumetrically in terms of 'Normal' sewage and be subject to surcharge on the volume derived in accordance with the following:

MISSOURI RIVER PLANT SERVICE AREA.

$$Sv = \frac{(Sw - 3332)}{3332} \times .65 \times F \times 133690$$

$Sv = F\ (\ (Sw - 3332)\ 26.8\ )$ Suspended Solids

B.O.D. shall not be a factor in determining surcharge rates until the Missouri River Plant effluent becomes a factor for consideration by Regulatory Agencies or until it effects inplant operation and efficiency, then limits shall be set and approved by resolution of City Council of the City of Omaha.

$$Sv = \frac{(Gw - 833)}{833} \times .70 \times F \times 133690$$

$Sv = F\ (\ (Gw - 833)\ 112\ )$ Grease

Where Sv is the derived volume of wastes in cubic feet subject to surcharge.

Sw is pounds per million gallons of suspended solids from the wastes as discharged.

3332 - the pounds per million gallons of suspended solids in the 'Normal' Sewage.

Gw - is pounds per million gallons of grease from the wastes as discharged.

833 - the pounds per million gallons of grease in 'Normal' Sewage.

0.65 - factor allowance for 65% degree of purification of suspended solids.

0.70 - factor allowance for 70% degree of purification of grease.

F - the flow expressed in million gallons of the waste discharged.

133,690 - is equal to the factor to convert million gallons to cubic feet.

THE PAPILLION CREEK PLANT SERVICE AREA

$$Sv = \frac{(Sw - 2500)}{2500} \times .90 \times F \times 133690$$

$Sv = F\ (\ (Sw - 2500)\ 48\ )$ Suspended Solids

$$Sv = \frac{(Bw - 2000)}{2000} \times .85 \times F \times 133690$$

$Sv = F \;(\;(Bw - 2000) \;\; .57 \;) \;\; \text{B.O.D.}$

$Sv = (Gw - 833) \; x \; .70 \; x \; F \; x \; 133690$

$Sv = F \;(\;(Gw - 833) \;\; 112 \;) \;\; \text{Grease}$

NOTE:

Where Sv is the derived volume of wastes in cubic feet subject to surcharge.

Sw is pounds per million gallons of suspended solids from the wastes as discharged.

2500 - the pounds per million gallons of suspended solids in the 'Normal' Sewage.

Bw - is pounds per million gallons of B.O.D., in the wastes as discharged.

2000 - the pounds per million gallons of B.O.D., in 'Normal' Sewage.

Gw - is the pounds per million gallons of grease from the wastes as discharged.

833 - the pounds per million gallons of grease in 'Normal' Sewage.

0.90 - factor allowance for 90% degree of purification of suspended solids.

0.85 - factor allowance for 85% degree of purification of B.O.D.

0.70 - factor allowance for 70% degree of purification of grease.

F - the flow expressed in million gallons of the waste discharged.

133,690 - is equal to the factor to convert million gallons to cubic feet.

The equivalent volume of 'normal' sewage as derived from the excess above the normal strength of any water and waste shall be subject to a surcharge for the volume of equivalent 'normal' sewage as computed from the formula for the Missouri River Plant Service Area at a flat rate of $ .0085 for each one hundred cubic feet on the highest single value applicable to the contributing wastes as above computed.

The equivalent volume of 'normal' sewage as derived from the excess above the normal strength of any water and waste shall be subject to a surcharge for the volume of equivalent 'normal' sewage as computed from the formula for the Papillion Creek Plant Service Area at the flat rate of $ .0175 for each one hundred cubic feet on the highest single value applicable to the contributing wastes as above computed.

No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the City of Omaha and any industrial concern whereby an industrial waste of unusual strength of character may be accepted by the City of Omaha for

2

treatment, subject to payment therefore by the industrial concern.

Discharge of wastes from packing industry, in excess of 'Normal' Sewage shall be subject to surcharge rates as stipulated in this Section.

The rate of surcharge in addition to the surcharge for disposal of paunch manure and normal Sewage Service Charge shall be determined on each of the three constituents of the water or wastes:

a). Total suspended solids; and,

b). B. O. D. five (5) day at 20 degree centigrade.

c). Recoverable grease being defined as 70% of the total grease by n-hexane (B.P. 67^{o} - 70^{o} c) extraction and as herein provided.

NOTE: No surcharge shall be charged on the B.O.D. for the the Missouri River Plant Service Area; it being understood that if the B.O.D. in the plant effluent becomes a factor of consideration by Regulatory Agencies or effects inplant operation and efficiency, then new limits shall be established on B.O.D. admissible to the sewer system. Limits so set shall be as recommended by the City Sanitary Engineer and approved by resolution of the City Council, City of Omaha.

The highest volume value in cubic feet of either a), b), or c), times the rate for each 100 cubic feet of water or wastes, shall be the rate of surcharge.

"51.18.040 Unlawful Disposition of Wastes. It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the City of Omaha or in any area under the jurisdiction of such city, any human or animal excrement, garbage, or other objectionable wastes. It shall be unlawful to discharge into any natural outlet channel within the City of Omaha or in any area under the jurisdiction of such city, any water or wastes containing a toxic or poisonous substance in sufficient quantity to constitute a hazard to humans, animals or fish, or any noxious or malodorous gas or substance constituting a public nuisance.

Storm water and all other unpolluted drainage shall be discharged into such sewers as are specifically designated as combined sewers or storm sewers, or to natural outlets approved by the Chief Plumbing Inspector of Permits and Inspections Division of the Public Safety Department of the City of Omaha. Commercial and Industrial unpolluted cooling water or unpolluted process waters may be discharged upon approval of the City Sanitary Engineer of the City of Omaha to a storm sewer combination or natural outlet.

"51.18.050 Discharge of Water or Waste in Public Sewer. Except as herein provided, no persons shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer in the Papillion Creek Service Area.

1. Any wastes having a five (5) day B.O.D., greater than 240 parts per million (ppm) by weight, or
2. Containing more than 300 parts per million (ppm) by weight of suspended solids, or
3. Any wastes or water having temperature higher than 150° fahrenheit. (65° centigrade).
4. Any water or wastes which may contain more than (100) one-hundred parts per million (ppm) recoverable by weight fat, oil or grease.
5. Any gasoline, benzine, naphtha, fuel, oil, paint, or other flammable or explosive liquid, solid or gas.
6. Any garbage that has not been properly shredded.
7. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, lubricants, or any other solids, or viscose substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.
8. .Any water or wastes having a pH lower than (6.5) or higher than (9.75), or having any other corrosive property capable

2

of causing damage or hazard to structures, equipment, and personnel of the sewage works.

9. Any waters or wastes, containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant.
10. Blood in sufficient quantities so as to cause discoloration of Papillion Creek Plant effluent.
11. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material at the sewage treatment plant.
12. Gut casings, fleshings, entrails, paunch manure, pen manures, hair and bone.
13. Any noxious or malodorous gas or substance capable of creating a public nuisance. Under no condition will any of the minimums set forth in this chapter be maintained by dilution without the specific permission of the City Sanitary Engineer.

"51.18.055 Discharge of Water or Waste in Public Sewer. Except as herein provided, no persons shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer in the Missouri River Plant Service Area.

1. Any wastes having a five (5) day B.O.D., adversely effecting plant operation and effluent shall be evaluated.
2. Containing more than 400 parts per million (ppm) by weight of suspended solids, or
3. Any wastes or water having temperature higher than 150° fahrenheit. (65° centigrade).
4. Any water or wastes which may contain more than (100) one-hundred parts per million (ppm) recoverable by weight, fat, oil or grease.
5. Any gasoline, benzine, naphtha, fuel oil, paint, or other flammable or explosive liquid, solid or gas.
6. Any garbage that has not been properly shredded.
7. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, lubricants, or any other solids, or viscose substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.
8. Any water or wastes having a pH lower than (6.5) or higher than (9.75) or having any other corrosive property capable of causing damage or hazard to structures, equipment, and

4). Having an average daily flow greater than 2% of the average daily sewage flow of the city.

shall be subject to the review and approval of the City Sanitary Engineer.

Where necessary, the owner shall provide, at his expense, such preliminary treatment as may be necessary to:

a). Reduce the B.O.D. and the suspended solids to limits permitted in various treatment plant service areas.

b). Reduce objectionable characteristics or constituents to within the maximum limits provided for in Section 51.18.110, or control the quantity and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the City Sanitary Engineer and no construction of such facilities shall be commenced until said approval is obtained in writing.

"51.18.090 Preliminary Treatment Facilities - Maintenance. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by or in behalf of the owner at his expense and without any expense to the city.

"51.18.100 Manholes - Required - When. Where or when required by the City Sanitary Engineer, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the combined waste, such manhole when required, shall be accessible and safely located, and shall be of standard construction in accordance with plans and specifications of the City of Omaha. The manhole shall be installed by or in behalf of the owner at his expense and without expense to the City, it shall be maintained by him, so as to be safe and accessible at all times.

"51.18.110 Sampling and Measurement. All measurements, tests, and analysis of the characteristics of the water and wastes to which reference is made in Section 51.18.010, as above, shall be determined in accordance with 'Standard Method for Examination of Water and Waste Water, and shall be determined at the control manhole provided for in Section 51.18.100, or upon suitable samples taken at said manhole, at the expense of the City and owner, as outlined in the Rules and Regulations which are a part of this Chapter. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

"51.18.120 Permit Required. No person shall discharge wastes except normal sewage, as defined in this Chapter, from any commercial or industrial establishment into the City sewers without a permit from the Chief Plumbing Inspector of the Plumbing Section of the personnel of the sewage works.

9. Any waters or wastes, containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant.

10. Blood in sufficient quantities so as to cause discoloration of Missouri River Plant Plant effluent.

11. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material at the sewage treatment plant.

12. Gut casings, fleshings, entrails, paunch manure, pen manures, hair and bone.

13. Any noxious or malodorous gas or substance capable of creating a public nuisance. Under no condition will any of the minimums set forth in this chapter be maintained by dilution without the specific permission of the City Sanitary Engineer.

"51.18.060 Interceptors - When Provided. Grease, oil, and sand separators on interceptors shall be provided when they are necessary in the opinion of the City Sanitary Engineer and with the approval of the Chief Plumbing Inspector of the Permits and Inspections Division of the Public Safety Department of the City of Omaha for the proper handling of liquid wastes containing grease and excessive amounts of any flammable wastes, sand and other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City Sanitary Engineer and the Chief Plumbing Inspector of the Plumbing Section of the Permits and Inspections Division of the City of Omaha and shall be located as to be readily and easily accessible for cleaning and inspection.

"51.18.070 Interceptors - Maintenance. Where installed, all grease, oil and sand interceptors shall be maintained by the owner or persons in possession at his expense in continuous efficient operation at all times.

"51.18.080 Waste Disposition - Requirements. The admission into the public sewers of any waters or wastes.

1). Having a five (5) day B.O.D., greater than the stipulated parts per million (ppm) by weight in Section 51.18.050 and Section 51.18.055.

2). Containing more than the stipulated parts per million (ppm) by weight of suspended solids or item, as set forth in Section 51.18.050 and Section 51.18.055.

3). Containing any quantity or substances having a characteristic described in Section 51.18.010, as herein provided, or

Permits and Inspections Division of the City of Omaha, of the Public Safety Department, after approval of application by City Sanitary Engineer. Application to permit the discharge of commercial and industrial wastes into the sewer system shall be filed in writing, upon forms provided, with the City Sanitary Engineer and shall provide at least information including in part: the name, address, telephone number of the applicant; type of products handled or manufactured; the quantity of wastes included, seasonally, weekly, daily or regarding variations; and the chemical, physical and other characteristics of the wastes; all as requested on the forms provided for by the City of Omaha for this purpose; and any other pertinent necessary information. If, after examining the information contained in the application, it is determined by the City Sanitary Engineer that the characteristics of the proposed discharge do conform with the provisions of this Chapter, a permit shall be issued by the Chief Plumbing Inspector of the Plumbing Section of the Permits and Inspections Division of the Public Safety Department of the City of Omaha, allowing the discharge of such wastes into the City Sewer system; but, if after it is determined by the City Sanitary Engineer that the characteristics of the wastes are not in compliance with the provisions of this Chapter, no permit shall be issued. Any such permit may be revoked for cause at any time upon giving the holder thirty (30) days written notice by the Chief Plumbing Inspector of the Permits and Inspections Division of the Public Safety Department of the City of Omaha.

"51.18.130 Inspection Authority. Any duly authorized representative of the City Sanitary Engineer or the Plumbing Section of the Permits and Inspection Division of the Public Safety Department possessing proper credentials and identification shall be permitted to enter all properties at reasonable times for the purpose of inspection, observation, measurement, sampling and testing; in accordance with the provisions of this Chapter.

"51.18.140 Penalties.

1). The owner of any commercial or industrial establishment found to be violating any provisions of this Chapter shall be notified in writing by the Chief Plumbing Inspector of the Permits and Inspections Division of the Public Safety Department, of the City of Omaha, stating the nature of the violation and providing a reasonable time limit for the correction thereof. The owner of such establishment shall permanently cease all violations within the period of time stated in the notice, and shall certify to the City Sanitary Engineer that the corrections have been accomplished.

2). The owner of any commercial or industrial establishment violating any provisions of this Chapter, who shall continue such violation beyond the time limit provided in subsection 1, above, shall be guilty of a misdemeanor, and upon conviction be fined not less than $5.00 nor more than $500.00 or be sentenced to no more than

90 days in jail, or both, for each offense, at the discretion of the court, and every such person, or persons, firm or corporation, shall be deemed guilty of a separate offense for every day on which such violation shall continue.

3). In cases of repeated violation, the City Sanitary Engineer shall request the Chief Plumbing Inspector of the Permits and Inspections Division of the Public Safety Department of the City of Omaha to revoke the permit for the discharge of the wastes into the sewer system.

4). Any person violating any of the provisions of this Chapter shall be liable to the City for any expense, loss and damage incurred as a result of such violation.

"51.18.150 Rates - Changes. The City Council, in order to maintain solvency and equity in the Surcharge Revenue Fund, may raise or lower the sewage surcharge rate, upon recommendation of the City Sanitary Engineer, based upon supporting data and with proper allocation to the various factors involved.

"51.18.160 Surcharge a Lien on Property - Recovery. Where the sewage surcharge established herein is not paid, or the rules or regulations promulgated by the City Sanitary Engineer pursuant to this Chapter, or the provisions of Chapter 51.20 of the Omaha Municipal Code are not complied with, the City of Omaha shall have the right to remove or close sewer connections at the expense of the owner, until payment is made, or the rules and regulations of the City of Omaha are complied with. If the Sewage Surcharge so established is not paid when due, such sum may be recovered by the City in a civil action; or it may be assessed against the premises served, and constitute a lien thereon and be collected in the same manner as other special assessments.

"51.18.170 Surcharge - Date - Applicable. The surcharge for sewage service established herein shall start and be made applicable on all sewer accounts on the date of the adoption of this Chapter, except as otherwise provided herein.

"51.18.180 Appeals. Any person aggrieved by the issuance, denial, suspension, cancellation or revocation of any permit provided for in this Chapter may, within five (5) days of the receipt of written notice of the entry of such order, appeal to the Administrative Appeals Board by complying with the provisions of Chapter 4.08 of the Omaha Municipal Code. Notification of the order of denial, suspension or revocation shall be made in writing and personally delivered or sent by registered mail. Such order shall not become effective until the expiration of the time for appeal. Pending the determination of such appeal, the operation of any order of suspension, cancellation or revocation shall be stayed. The operation of any order denying a permit or the renewal thereof shall likewise be stayed and the applicant for such permit shall be permitted to continue in business pending the determination of such appeal."

"51.18.185 Compliance - Time When. The provisions of Chapter 51.18 of the Omaha Municipal Code shall be complied with on December 15, 1966.

"51.18.190 Severability. If any section, paragraph, clause, phrase, provision, or part of portion of any section, clause or provision of this Chapter, or the application thereof to any person or circumstances held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or application or any other section, paragraph, clause, phrase, provision or part of the portion of this Chapter.

Section 2. This Ordinance shall be in full force and take effect fifteen (15) days from and after the date of its passage.

INTRODUCED BY COUNCILMAN

____

APPROVED BY:

____________________________ __________
MAYOR OF THE CITY OF OMAHA DATE

PASSED:____________________________

ATTEST:

____

____
CITY CLERK OF THE CITY OF OMAHA

APPROVED AS TO FORM:

____
CITY ATTORNEY

2

RULES AND REGULATIONS

ARTICLE I

DEFINITIONS

For the purpose of these Rules and Regulations and unless the contexts specifically indicates otherwise, the following terms shall have the meaning ascribed:

1. 'B.O.D.' Abbreviation for Bio-chemical Oxygen Demand) shall mean the quantity of oxygen utilized in the bio-chemical oxidation of organic matter, under standard laboratory procedure in five days of 20° degrees Centigrade (68° Fahrenheit) expressed in parts per million by weight.
2. 'City' shall mean the City of Omaha, Nebraska.
3. 'Sewage Works' shall mean all facilities for collecting, transporting, removal, discharging, conducting, carrying, pumping, treating and disposing of sewage.
4. 'Sewage' shall mean a combination of the water carried wastes from residence, business buildings, institutions, and industrial establishment, together with such ground, surface and storm waters as may be present, containing animal and vegetable matter in suspension or solution and may include liquid from Laboratories and Industry containing minerals in solution.
5. 'Sanitary Sewage' shall mean those wastes which are comparable to wastes which originate in residential units and contain only excrement and waste from kitchen, laundry, bathing, and other household facilities.
6. 'Sewer' shall mean a pipe or conduit carrying sewage and other liquid wastes.
7. 'Combined Sewers' shall mean a sewer receiving both surface run-off and sewage.
8. 'City Sewer' shall mean a sewer serving abutting property and subject to control and regulation by the City.
9. 'Sanitary Sewer' shall mean a sewer which carries sewage and which does not carry storm, surface and ground waters.
10. 'Storm Sewer' or 'Storm Drain' shall mean a pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial and commercial wastes; it may, however, carry cooling waters and unpolluted waters.
11. 'Sewage Treatment Plant' shall mean any arrangement of devices and structures above or below ground, used for treating, disposal, carrying, conducting sewage.
12. 'Commercial and Industrial Wastes' shall mean the water-carried wastes from commercial and industrial establishments (processes)

as distinguished from household type sanitary sewage.

13. 'Garbage' shall mean solid food wastes from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

14. 'Properly Shredded Garbage' shall mean the wastes from the preparation, cooking, and the dispensing of food that had been shredded to such a degree that all particles may be carried freely and normally prevailing in the public sewer, with no particle greater than 1/2" in any dimension.

15. 'pH' shall mean logarithm of the reciprocal weight of hydrogren ions in grams per liter of solution. It is used to indicate the concentration of free acid and alkali.

16. 'Suspended Solids' shall mean solids that either float on the surface or are in suspension in water, sewage, or other liquids; and which are removable by laboratory filtering.

17. 'Natural Outlet' shall mean any outlet into a water course, pond, ditch, lake, or other body of surface or ground water.

18. 'Water Courses' shall mean a channel in which a flow of water occurs either continuously or intermittently.

19. 'Person', 'Enterprise', 'Establishment or 'Owner' shall mean an individual, firm, company, association, society, corporation, or group using the Sewage Works or Sewerage System.

20. 'Standard Laboratory Methods' shall mean methods of analysis and testing as outlined in the Twelfth edition of "Standard Methods for the Examination of Water and Waste Water", 1960, published jointly by the American Public Health Association, American Waterworks Association and Water Pollution Control Federation. Three (3) copies of which are on file in the office of the City Clerk of the City of Omaha, Nebraska and the same are hereby adopted and incorporated as fully as if set out in length herein and from the date on which (Chapter 51.18 of the Omaha Municipal Code) shall take effect.

21. 'Receiving Stream' shall mean any natural water course into which sewage is discharged.

22. 'S-Meter' shall mean (1) a meter or meters used on a water supply other than a municipal water supply, that is, wells, private water company, etc., or (2) a meter or meters used to supplement the meter or meters measuring a municipal water supply and considered necessary in the determination of the sewage service charge and surcharge.

23. 'Slug' shall mean any water or wastes exceeding a concentration greater than five (5) times that of the 'normal' sewage, and which is discharged continuously for a period longer than fifteen (15) minutes or at a rate exceeding one thousand gallons per minute.

24. 'Cooling Water' shall mean the water discharged from any system of condensation, air conditioning, cooling, refrigeration, or other, but which shall be free from an increase in odor and oil. It shall contain no pollution substances which would increase B. O. D., or suspended solids each in excess of ten (10) parts per million by weight.

25. 'Unpolluted Water or Waste' shall mean any water or waste containing none of the following: Free or emulsified grease or oil; acid or alkali, phenols or other substances imparting tastes and odor in receiving waters; toxic or poisonous substances in suspension, colloidal state or solution; and noxious or odorous gases. It shall contain not more than 8,000 parts per million by weight of dissolved solids, of which not more than 2,500 parts per million shall be as chloride with permissible volume subject to review by the City Sanitary Engineer; and shall not cause an increase of more than ten (10) parts per million each of suspended solids, and B. O. D. Any water or wastes, meeting these standards, may be discharged to the 'Waters of the State', under direct supervision of the City and under permit from the 'Nebraska Water Pollution Control Council'. Determination of 'unpolluted waters or wastes' shall be made by the City of Omaha working in conjunction with the Nebraska Water Pollution Control Council of the Department of Health, State of Nebraska.

26. 'Foreign Accounts' shall mean the water accounts of a political subdivision other than the City of Omaha Metropolitan Utilities District, which supplies water to and bills the account for the service.

27. 'Waters of the State' shall mean all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies, or accumulations of water, surface or underground, natural or artificial, which are situated wholly or partly within the jurisdiction of the State of Nebraska which drain to, or effect a junction with other waters draining to the Missouri River from the territory within the Missouri River Watershed.

28. 'Water Supply Meter'. shall mean any meter used on any water supply line supplying water to a premise from any source whether municipal or private, i.e., meters on service branches from the municipal water mains, meters on the service branches from private water company water mains, meters on lines from wells and any other meters as shall be determined by the City Sanitary Engineer.

29. 'Normal Sewage' shall mean sewage that, when discharged into the Papillion Creek Plant service area sewer system, contains not over 30 ppm of suspended solids (2,500) pounds per million gallon and contains not over 240 ppm of the B. O. D. by weight (2,000) pounds per million gallon, or; when discharged into the Missouri River Plant service area sewer system contains not over 400 ppm of suspended solids (3332) pounds per million gallons, and which does not

contain any of the materials or substances as follows:

a). Any liquid or vapor having a temperature higher than 150° Fahrenheit, except where the volume of discharge represents a significant portion of the flow to a particular sewer, a lower limit may be prescribed by resolution of the Omaha City Council, to prevent odor nuisances.

b). Wastes having a pH less than 6.5 or greater than 9.75 or otherwise having chemical properties which are hazardous or capable of causing damage to the sewage works or personnel.

c). Insoluble oils, fats, and grease, so called ether soluable oils may be admitted to the extent of 100 ppm, recoverable 833 lbs. per million gallon, provided subsequent dilution in the sewers or treatment plant does not result in separation.

d). Any solvent, liquid or gas, which by reason of its major quantity may cause fire or explosion.

e). Any solvent or viscose material which could cause an obstruction to the flow in the sewers, or in any way interfere with the treatment processes; in part having such items or materials as: ashes, wax, paraffin, cinders, sand, mud, straw, shavings, metal, grease, rags, lint, feathers, tar, plastics, wood, sawdusts, lubricants, hair, fleshings, paunch manure, and entrails, lime slurrys, beer and distillery slops, grain processing wastes, grinding combinations, acetylene generation, sludge, chemical, residues, acid residues, and food processing bulk solids.

f). Wastes containing phenolic compounds over .50 ppm expressed as phenol.

g). Wastes containing cyanides or compounds capable of liberating hydrocyanic acid gas over 2 ppn expressed as hydrogen cyanide.

h). Wastes containing solutions of metals of such concentrations as to have an adverse effect upon the sewage works, treatment process or receiving stream.

i). Wastes containing sulfides over 10 ppm expressed as hydrogen sulfide process or receiving stream.

j). Chlorinated solvents.

k). Septic tanks sludge, from residential dwellings, except that such sludges may be discharged into selected treatment plants at locations designated by the City Sanitary Engineer, for this purpose.

l). Any corrosive, noxious or malodorous material or substance which, either singularly or by reaction with other wastes, causes or may cause damage to the sewage works, or constitutes, or may constitute a public nuisance or hazard or is of such nature as to prevent entry into or about the sewers for maintenance and repair thereof.

m). Concentrated dye wastes and other wastes that are either highly colored or may become highly colored by reacting with other wastes.

n). Any material or substance not specifically mentioned in this section which is in itself corrosive, irritating to human beings, and animals, toxic or noxious, or which by interaction with other wastes could produce effects harmful to health and general welfare, including in part deleterious action on the sewage works, adversely affect any treatment process, constitute a hazard to human or animal or have an adverse affect upon the receiving stream.

30. 'Shall' is mandatory and 'may' is permissive.

31. 'Paunch Manure' is the material found in the upper stomachs or paunches of cattle containing feed the animal ate some hours before it was slaughtered plus gastric or digestive excretions within the animal.

32. 'ppm' denotes parts per million.

33. 'Sewage Surcharge' is a charge in addition to Sewer Service Charge for any Sewage or Industrial wastes other than 'normal' sewage, entering the sewage system.

34. 'Recoverable Grease' shall mean 70% of the total grease by n-hexane (B.P. 67° to 70°) extraction.

ARTICLE II

SEWAGE SURCHARGE APPLICATION

1. SEWAGE SURCHARGE

The Sewage Surcharge is fixed by the Council of the City of Omaha and is levied for any sewage or industrial wastes, other than 'normal' sewage, entering the sewerage system. The charge shall be based upon the strengths of 'Suspended Solids', and 'B.O.D.', and grease in excess of the limits of the three constituents defined for 'normal' sewage, in relation to the volume of discharge of sewage, industrial wastes, water or other liquid. The Sewage Surcharge for any sewage, industrial wastes, water or other liquid above 'normal', sewage shall be determined as provided in Chapter 51.18 of the Omaha Municipal Code, which authorized these Rules and Regulations.

2. SURVEY DATA REQUIRED

a). All persons or companies who discharge other than 'normal' sewage, industrial wastes, water or other liquid to the sewerage system, or to a stream, or to both, shall fill in and file with the City Sanitary Engineer, City of Omaha, an industrial waste questionnaire, which shall furnish pertinent data, inclusive of quantity of flow and an analysis of such sewage, industrial waste, water or liquids so discharged. This shall be accomplished by the 'person or company' within ninety (90) days after such discharge begins.

b). The strength of any water or wastes shall be determined semi-annually or quarterly in accordance with current billing procedures from samples taken at the manhole described in Art. II, Sec. 2 c., or at any period, or time, and of such duration and in such manner as the City Sanitary Engineer may elect, or, at any place mutually agreed upon between the person and the City Sanitary Engineer. The strength so found by analysis in accordance with Chapter 15.18 of the Omaha Municipal Code and these Rules and Regulations shall be used for establishing the Surcharge, irrespective of whether payments are monthly or quarterly or semi-annually. The results of routine sampling and analysis by the person may be used in determining Surcharge computations after being confirmed by tests by the City.

c). When required by the City Sanitary Engineer, the owner of any property served by a building or plant sewer or sewers carrying industrial wastes shall install a suitable manhole or manholes in the building sewer to facilitate observation, sampling and measure of the combined wastes from his premises. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the City of Omaha and on file in the Public Works Department. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

d). All measurements, test, and analysis of the characteristics of water and wastes to which reference is made in Chapter 51.18 of the Omaha Municipal Code and these Rules and Regulations, shall be determined in accordance with the eleventh edition of "Standard Methods for the Examination of Water and Waste Water", 1960, as prepared, approved and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation. Copies of this edition are on file with the City Clerk of the City of Omaha, Nebraska.

e). Normal operation of any gauging and sampling manhole or point of discharge, shall be the time required, as determined by the City, to obtain representative samples of the effluent discharge, in proportion to flow and to conclude the necessary analytical determination on the samples obtained.

f). In the event more than two (2) gauging and sampling manholes or points of discharge are necessary, the additional costs of the installation of measurement devices to be used and the cost of the personnel required for operation of the manholes or sampling points and the subsequent laboratory work involved, shall be borne by the owners of the property.

g). Where a plant or premises discharges its effluent to a manhole or manholes, used as gauging and sampling points, and the effluent is of such volume and duration that installation of hydraulic equipment cannot be made until the plant or premises ceases its operation, by weekend close down, the cost of making the installation, involving overtime pay, shall be borne by the plant or premises. If the plant or premises elects to make the hydraulic installation by their own personnel the installations shall be set up in a manner approved by the City Sanitary Engineer. In the event that a period in excess of a standard five (5) day, forty (40) hour week is required for City Personnel to properly gauge, sample and analyze the discharged effluent, all the extra costs including material, labor and overtime, shall be borne by the owner of the property.

h). In the interest of equity in the administration and enforcement of the Sewerage Surcharge, the City shall assume the cost of operation of not more than two (2) 'gauging and sampling' manholes or points of discharge and the necessary analytical work involved. The work time of City Personnel engaged in the field operations and laboratory work shall not exceed a five (5) day, forty (40) hour week.

i). The City shall have the right to enter and set up, on company property, such devices necessary to conduct a gauging and sampling operation and to begin such operation without advance notice to the company. While performing the work, the City shall observe all Safety Rules applicable to the premises, established by the Company.

j). Where a company or premises has security measures in force which require proper identification and clearance before entry into said company (or premise) is granted; such company (or premise) shall either make the necessary arrangements with their security guard that upon showing proper identification from the City, personnel of the Department of Public Works shall be permitted to enter, without delays, for the purpose of obtaining grab samples of wastes being discharged at the various sampling points; or the company (or premise) shall install suitable gauging and sampleing manholes outside the security limits which manholes will at all times, be immediately accessible to City Personnel for the purpose of obtaining grab samples.

3. ANALYSIS AND CHARGES.

a). All Surcharges will be based on the analysis from any plant or premise related to total water supply for this Company (or premise) less any water exempted from the Sewage Service Charge.

b). The minimum billing in the application of Sewerage Surcharge shall be $3.00 per billing.

c). If a plant or premise has multiple outlets, and an analysis is presented for each, based upon individual sampling and flows: The results can be combined into one analysis and the average strength of the wastes and flows shall be used in establishing the Surcharge.

d). In the event that a plant or premise fails to send the City an analysis for the wastes discharged to the City of Omaha Sewerage System, or to a stream, then such plant or premise shall be charged according to comparable charges, based on chemical analysis of similar process, or on figures on that type of industry that are available from statistics from the United States Public Health Service or other recognized sources acceptable to the City Sanitary Engineer. This method of applying the Surcharge shall continue in effect until such time as an analysis of the wastes is submitted by the company and confirmed by the City.

e). Where a company or premise request that one or more discharge lines to the sewer system be metered and excluded from an industrial waste analysis on the premise that only 'normal' sewage is being discharged from these lines ... this request shall be disregarded. Attention is directed to the section Article II, Section 2(c), which reads in part "the owner of any property served by a building or plant sewer or sewers carrying industrial wastes shall install suitable manhole or manholes to facilitate observation, sampling and measurement of the Combined Wastes from his premises". Furthermore, this practice shall be disallowed because of the complexities arising from the departure of the consolidated account and subsequent additional cost to the revenue fund of billing, meter reading, and additional bookkeeping.

f). Any plant or premise, now discharging any effluent other than unpolluted water to any of the receiving waterways of the Missouri River, which is in the City of Omaha Service Area where an extension of the sewer system can be made to collect this waste, shall be charged a Sewerage Surcharge. The application of charges shall be made, even if the plant or premise has received a temporary permit from the Nebraska Water Pollution Control Council to discharge industrial wastes into the "Waters of the State".

g). Notification will be given the effected company or premise, indicating the intentions of the City to make such charges, and the accounts set up for the company or premises, based upon an investigation by the Engineers of the Public Works Department and their findings. The Sewerage Surcharge will apply on all waters supplying the company or premises, less all qualified exemptions, and the Surcharge will apply on the balance of the waters discharged based on a chemical analysis of the total effluent.

4. RE-SAMPLING AND RE-GAUGING OF WASTES

In the event that an analysis of waste, determined by a sampling and gauging of wastes from a Person or Industry by the City Forces, does not agree with an analysis of wastes of the Person and Industry submitted by them to the City, a program of resampling and regauging, with subsequent chemical determination may be instituted as follows:

a). The Person or Industry interested must submit a request for a resampling and regauging of their wastes to the Public Works Director by letter, and bind themselves by bond or deposit to bear all of the expense incurred by the City in the resampling and regauging and subsequent chemical determinations of the wastes.

b). The chemist or engineer employed by the Company, responsible for the analysis submitted to the City, must confer with the City's Engineer in charge of sampling and gauging. They must come to an agreement as to the length of the re-run, and the mediums to be employed to determine the flow and to sample the flow.

c). The chemist or engineer engaged by the Person or Industry must be present during the resampling and regauging of the operation and also in the City laboratory during the chemical determination of the analysis.

d). The results of the analysis, determined from the quantity and quality of the flow shall be considered the analysis of the waste discharged to the City of Omaha Sewerage System, or to a creek, contrary to law, by the Person or Industry and the Sewerage Surcharge shall be determined from the strength of the wastes as reported in the analysis.

e). In the event an analysis of the wastes determined from the routine scheduled sampling and gauging of wastes from a Person or Industry, by the City Forces, is not considered representative because of a breakdown in manufacturing processes, or of treatment or pretreatment facilities during the operation and such breakdown or conditions are accepted by the City as legitimate reasons, the Person or Industry can request a resampling or regauging of the wastes after the breakdowns are remedied. However, the company shall agree to bind by Bond or Deposit to bear all costs of the resampling and regauging operations, plus the costs of analytical determination. In such cases, the City shall schedule the operation as soon as possible, but not to interfere with prescheduled operations. All analytical results so found shall be current and no retroactive refunds will be made for any differential in concentrations established.

f). It shall be assumed by the City that any Person or Industry having treatment or pretreatment facilities shall at all times operate and maintain such facilities so that any routine scheduled sampling and gauging operations conducted at any time may be considered representative. Therefore, in the course of several routine scheduled sampling and gauging operations the Person or Industry shall claim that the results of such sampling and gauging are not representative because of breakdown (or other interruption) of the treatment or pretreatment facilities, then the City shall assume that such facilities are in fact not being properly maintained and the results of the sampling and gauging operations shall be used for purposes of determining the sewer surcharge, fully at the discretion of the City and until such time as another routine scheduled sampling and gauging operations shall be conducted.

g). In the event that a Person or Industry has reason to believe that the concentration of their wastes has been materially and permanently reduced due to installation of pre-treatment facilities or modification in operation and existing plant facilities, a written request to the Public Works Director may be made for a resampling and regauging of their wastes. However, the Company shall agree to bear all costs of such a resampling and regauging operations, including costs of analytical determinations, unless such company is due for a regularly scheduled sampling and gauging operation as determined and established by the Sewage Disposal Division.

ARTICLE III

BILLING PROCEDURE "Foreign Accounts".

1. Any political subdivision, which as a water supplier, bills individual accounts for water consumed, shall bill such accounts (Foreign Accounts) for the Sewerage Surcharge when such charges are applicable.

2. a). The consumption readings of all meters, effected by the Sewerage Surcharge, including meters measuring water supply from sources other than the municipal water supply, shall be made available to the City of Omaha for billing and auditing purposes. Transfer of necessary data, for billing purposes, of the Sewerage Surcharge, to the City shall be accomplished by any means or method mutually agreed upon between the City and the particular political subdivision involved.

   b). In the event a lot, parcel of land, building or premise discharging sewage, industrial and commercial waste, water or other liquids, either directly or indirectly into the City's Sewerage System, or which ultimately enters the sewerage system, is supplied either in whole or in part with water from wells or any source other than the Metropolitan Utilities District, then such wells or other source of supply shall be registered with the City Sewer Billing Department on or about the first effective date of this Ordinance and if the water from said wells or other source of supply is not measured by a water meter, or is measured by a water meter not acceptable to the City Sanitary Engineer, then in such case, the owner or other interested party, at his own expense, shall install and maintain water meters satisfactory to the City Sewer Billing Department on all supplies, and the quantity of water used to determine the sewerage service charge and sewer surcharge shall be the quantity as measured by the single meter or the sum of the quantities measured by the several meters.

   c). Certain types of business and industrial users discharge into the sewerage system, clear water not contaminated as the usual sewage entering the system. If such users shall install and have in operation equipment to dispose of or divert said water from entering the system, they shall be exempt from payment of sewer surcharge for the water so disposed of or diverted.

   d). If, under (Section 2 b) and c) above, the City Sanitary Engineer finds that it is not practicable to measure such waste by meters, he shall determine the waste in any manner or method as he may find practicable of metered water entering the sewerage system and the quantity of water used to determine the sewerage surcharge shall be that percentage so determined.

e). In cases where the character of the sewage or industrial and commercial waste from any manufacturing or industrial plant, building or premises is such that it imposes an unreasonable burden upon said sewage pumping, treatment or disposal works greater than that improsed by the normal sewage entering said sewage works, the City Sanitary Engineer may, if he deems it advisable, compel such manufacturing or industrial plant, building or premises, to pre-treat such sewage in such manner as he shall specify before discharging such sewage into the sewerage system of the City of Omaha. If such pre-treatment is not so ordered or accomplished, the City Sanitary Engineer shall levy a surcharge which shall be in addition to the regular sewage service charge.

f). Sewerage Surcharges provided shall be payable to the Central Cashier, City Hall.

3. Political subdivisions having "Foreign Accounts" shall bill those accounts for the Sewerage Surcharge. The charge shall be determined as provided in the Rules and Regulations and the applicable ordinance of the City of Omaha as they may exist from time to time.

4. The monies received by a political subdivision, from the billings of the Sewerage Surcharge, to "Foreign Accounts" shall be designated as Surcharge Fund and a separate accounting of this revenue shall be maintained by the particular political subdivision involved.

5. Sewerage Surcharge bills, rendered to each political subdivision, having "Foreign Accounts" by the City of Omaha, must be paid on or before the due date stated on the bill, after which date the accounts shall be considered delinquent. Each delinquent Sewerage Surcharge bill shall bear interest, at the rate of seven (7%) per cent per annum, (computed on the basis of a 360 day year) during the period of delinquency.

If any sewer surcharge so established is not paid when due, such sum may be recovered by the municipality in an action of assumpsit, or it may be certified to the tax assessor and assessed against the premises served, and collected or returned in the same manner as other municipal taxes are certified, assessed, collected, and returned.

ARTICLE IV

USE OF PUBLIC SEWERS

1. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process waters to any sanitary sewer.

2. Storm water, and all other unpolluted drainage shall be discharged to such sewers as are specifically designated by the City Sanitary Engineer, or Plumbing Inspector, as combined sewers or storm sewers; however, cooling waters or unpolluted waters or wastes wherever possible, should be recirculated for reuse or upon approval of the City Sanitary Engineer, may be discharged to a storm sewer or a natural outlet.

3. No person shall discharge or cause to be discharged to any public sewer any of the following described substances, materials, water or waste:

   a). Any liquid or vapor having a temperature higher than 150° Fahrenheit (65° Centigrade).

   b). Any water or wastes which contain grease or oil or other substance which will solidify or become discernable viscose at temperature between 32° to 150° Fahrenheit.

   c). Any water or wastes containing emulsified oil and grease exceeding on analysis, an average of 100 parts per million recoverable 833 lbs. per million gallon, of n-hexane soluble matter. NOTE: The poundage permitted per day from any establishment may be subsequently limited depending upon n-hexane soluble content of the sewage delivered to the Sewage Treatment works.

   d). Any gasoline, benzine, naphtha, fuel oil, or mineral oil, paint or other flammable or explosive liquid, "solid or gas".

   e). Any water or wastes that contain more than 10 parts per million by weight of the following gases: hydrogen sulphide, dioxide, or nitrous oxide.

   f). Any garbage that has not been properly commuted or shredded.

   g). Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar plastics, wood, lubricants, hair and fleshings, paunch manure, entrails, lime slurry, lime residues, beer or fistillery slops, chemical residues, paint residues, cannery waste bulk solids, or any other solids of viscose substance capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the Sewage Works.

   h). Any water or wastes that contain phenols in excess of 0.50 parts per million by weight, (500 parts per billion). These limits may be modified if the aggregate of contributions throughout the metropolitan area of service create treatment difficulties, or produce a

2- 29

plant effluent discharge to receiving waters which may be prohibited.

i). Any water or wastes, acid or alkaline in reaction and having corrosive properties capable of causing damage or hazard to structure, equipment and personnel of the Sewage Disposal System. Free acids and alkalides of such wastes must be neutralized, at all times, within the permissible range of pH which range is between 6.5 and 9.75. If, after having been duly notified by the City Sanitary Engineer that the wastes being discharged from any premises and for a time period as specified below, exceeds the permissible range of pH, and if no corrective steps are taken, a penalty charge shall be applied. This charge shall be $100.00 for each 1.0 over or under the permissible pH range of 6.5 to 9.75, and each day shall be considered a separate offense; provided, however, that the illegal flow shall be continuous for the following time periods:

30 minutes for a pH of 5.4 to 4.5 or 9.6 to 10.5
13 minutes for a pH of 4.4 to 3.5 or 10.6 to 11.5
5 minutes for a pH of 3.4 to 2.5 or 11.6 to 12.5

It shall be understood that the above shall in no way relieve any individual, company or industry of any liabilities or damage to any facilities, which damage can be shown to have been caused by the acid or alkiline wastes discharged by said individual, company or industry.

j). Any water or wastes containing a toxic or poisonous substance of a high chlorine demand in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans, or to animals, or create any hazard to the receiving waters or storm water overflows or the effluent of the Sewage Treatment Plant. Material such as copper, zinc, chromium, and similar toxic substances shall be limited to the following average quantities in the sewage as it arrives at the Treatment Plant and at no time shall the hourly concentration at the Sewage Treatment Plant exceed three (3) times the average concentration: Iron as Fe 15 ppm, Cromium as Cr (hexavalent) 5 ppm, Copper as CU 3 ppm, Zinc as Zn 2 ppm, Chlorine Demand 30 ppm, Nickle as 10 ppm, and with contributions from individual establishments subject to control in volume and concentration by the City Sanitary Engineer.

k). Any cyanides, in excess of 2 ppm by weight as CN in the wastes from any outlet into the public sewers.

l). Any water or wastes containing the discharge of strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

m). Any waters containing suspended solids of such character and quantity that unusual provision, attention or expense is required to handle such materials at the Sewage Treatment Plant.

n). Any noxious or malodorous gas or substance, which either singularly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.

o). Any long half-life (over 100 days), of toxic, radio-active isotopes, without special permit. The radio-active isotopes, I^{131} and P^{32} used at hospitals are not prohibited, if properly diluted at the source.

p). Any water or wastes that for a duration of 15 minutes has a concentration greater than 5 times that of 'normal' sewage as measured by suspended solids and B.O.D., and which is discharged continuously at a rate exceeding 1,000 gallons per minute.

q). Blood in sufficient quantities so as to cause discolorization of Missouri River Plant effluent.

4. Concentrated dye wastes, spent tanning solutions, or other wastes which are highly colored, or wastes which are of unusual volume, concentration of solids, or composition, as for example in total suspended solids or inert nature, (such as Fuller's Earth) or in total dissolved solids (such as sodium chloride, calcium chloride, or sodium sulfate) or unusual B.O.D., shall be subject to special review by the City Sanitary Engineer for:

   a). approval or rejection of admission to the public sewers; or
   b). modification at the point of origin to permit admission; or
   c). pretreatment by owner to permit admission.

5. Any water or wastes which by interaction with other water or wastes in the public sewer system, releases obnoxious gases, (Article IV, paragraph 3 (n) or develops color of undesirable intensity; or forms suspended solids in objectionable concentration; or creates any other condition deleterious to structures and treatment processes shall be subject to control or shall be barred from the system as determined by the City Sanitary Engineer.

6. Any water or wastes conforming to conditions stipulated in Article IV, Section 3 (a) to (o) but whose concentration of suspended solids or B.O.D., grease or chlorine demand at the municipal sewage works, causes a persistent monthly increase in the average daily analysis of any of these constituents, in excess of (2%) of the annual daily average for the previous year, shall be the cause for special review and study as to prohibition, or pretreatment at its source, or acceptance under a special agreement.

ARTICLE V

INSTALLATION OF TREATMENT OR PRE-TREATMENT FACILITIES, HOLDING TANKS, CONTROL AND NEUTRALIZATION EQUIPMENT.

1. Plans, specifications and any other pertinent information relating to treatment or pretreatment facilities, holding tanks, control and neutralization equipment or other facilities to be utilized in the treatment or control of waters or wastes shall be submitted for the approval of the City Sanitary Engineer and no construction of such facilities shall be commenced until such said approval is obtained in writing.

2. Where such facilities are provided for the treatment, pretreatment, control or neutralization of water or wastes, they shall be maintained continuously and satisfactory and effective operation by the owner at his expense and shall be subject to periodic inspection by the City Sanitary Engineer. The owner shall maintain operating record and shall submit to the City Sanitary Engineer in a form prescribed by the City Sanitary Engineer, a monthly summary report, of the character of the influent and effluent to show the performance of the treatment facilities.

3. Grease, oil and sand interceptors or traps shall be provided when, in the opinion of the City Sanitary Engineer, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients except that such interceptors or traps shall not be required for private living quarters or dwelling units. All interceptors or traps shall be of a type and capacity approved by the City Sanitary Engineer and the Plumbing Inspector and shall be located as to be readily and easily accessible for cleaning and inspection.

   Grease and oil interceptros or traps shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures.

   They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gas tight and water tight.

   Where installed, all grease, oil and sand interceptors or traps shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

4. An approval, by the City Sanitary Engineer, of proposed facilities does not in any way guarantee that these facilities will function in the manner described, by a person or a company; nor shall it relieve a person or a company of responsibility of revamping, enlarging or otherwise modifying such facilities to accomplish the intended purpose.

5. No statement contained in Chapter 51.18 of the Omaha Municipal Code and these Rules and Regulations shall be construed as preventing any special agreement or arrangement between the City and any person whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, by the person.

ARTICLE VI

POWERS AND AUTHORITY OF INSPECTORS

1. The City Sanitary Engineer and other duly authorized employees of the City, acting as the duly authorized agent and bearing proper credentials and identification, shall be permitted to gain access to such properties as may be necessary for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of these Rules and Regulations.

ARTICLE VII

PROTECTION FROM DAMAGE

No person shall maliciously, wilfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the City of Omaha sewage system or treatment plant. Any person violating this provision shall be guilty of a misdemeanor, and subject to prosecution as provided by law, and in addition be required to bear, all costs of restoration, plus 20%.

ARTICLE IX

APPEAL

Appeals. Any person aggrieved by the issuance, denial, suspension, cancellation or revocation of any permit provided for in this Chapter may, within five (5) days of the receipt of written notice of the entry of such order, appeal to the Administrative Appeals Board by complying with the provisions of Chapter 4.08 of the Omaha Municipal Code. Notification of the order of denial, suspension or revocation shall be made in writing and personally delivered or sent by registered mail. Such order shall not become effective until the expiration of the time for appeal. Pending the determination of such appeal, the operation of any order of suspension, cancellation or revocation shall be stayed. The operation of any order denying a permit or the renewal thereof shall likewise be stayed and the applicant for such permit shall be permitted to continue in business pending the determination of such appeal.

Feb. 11, Conferees

METROPOLITAN UTILITIES DISTRICT
UTILITIES BUILDING
HARNEY AT EIGHTEENTH
OMAHA 2, NEBRASKA

February 4, 1965

Reply to:
Metropolitan Utilities District
Chemical Building Laboratory
28th and Grebe Streets
Omaha 12, Nebraska

RECEIVED
ENVIRONMENTAL HEALTH
FEB 8 1965

Mr. T. A. Filipi, Director
Environmental Health Services
State Dept of Health
Box 4757, State House Station
Lincoln, Nebraska 68509

Dear Ted:

In response to your telephone inquiry, the District's water quality records do not indicate that the aliphatic portion of the carbon chloroform extracts (CCE) on the finished water show that grease or any other mineral oil type of material has been present in the water supply of Omaha.

During the past three (3) years on my daily visits over the entire treatment plant I have not observed any floating solids or materials atop the water in any of the treatment basins, either raw or finished water.

At present, the District's laboratory has a new instrument, an Infrared Spectrophotometer, with which it can identify and detect any mineral oil type of material (like grease) within a few minutes. In the future, if and when we find any grease or oil, we will run a spectra on it and mail you a copy for your information and files.

Sincerely yours,

J. F. Erdei

J. F. Erdei
Chief Chemist

cc: Omaha Conferees (Iowa,Kans,Nebr,Missouri)
(Fwd by PHS, Reg VI 2/24/65(me

CONFERENCE ON MISSOURI RIVER POLLUTION CONTROL

SHERATON-FONTENELLE HOTEL
MARCH 8, 1967

Mr. Chairman, my name is Robert J. Kutak. I am an attorney with the firm of Kutak, Rock & Campbell which represents the Omaha Pollution Control Corporation. This is the corporation which is constructing the collecting sewers, recovery basins, dewatering apparatus and process plant to remove paunch manure, animal grease and other wastes from the packinghouses. With me is Mr. Sam Greenberg who, together with Messrs. Dominic Cosentino, Donald Lamp, John McCollister and Tom Quinlan and Mrs. Betsy Stafford, comprise the directors and officers of the corporation. The corporation, a non-profit organization, was incorporated at the request of Mayor Sorensen nearly a year ago and these individuals have given unstintedly of their time throughout this period without pay to accomplish a purpose of critical concern to all citizens of Omaha.

As you have been advised, a lease-purchase agreement was entered into between the corporation and the City on December 1, 1966. On the same day the City entered into an operating agreement with Carver-Greenfield Omaha, Inc., and with all the packers but one.

Immediately upon signing the lease-purchase agreement with the City, the corporation entered into an engineering and construction contract with the Carver-Greenfield Corporation. The Omaha Pollution Control Corporation receives monthly progress reports from the firm on the fifth day of each month (copies of which are sent to Mr. Korbitz and Mr. Meier of Kirkham-Michael & Associates). I can advise you that the current report indicates completion of 20% of the engineering phase of the overall plant facility, which represents an on schedule posture. The firm expects to have all engineering work completed by June 1 and to break ground and enter into the construction phase on that date.

At the same time that the corporation signed the engineering and construction contract with the Carver-Greenfield Corporation, the board of directors of the Omaha Pollution Control Corporation authorized a notice to proceed with the preparation of construction plans and specifications to be sent to Kirkham-Michael & Associates. This firm has now completed the preliminary plans for the collector sewer system and the gravity separation basins which have been reviewed and approved by the City, the State and your own technical committee. Virtually starting as of today the firm has begun work on the final plans and specifications for this phase of the project and expects to have them completed by May 15. At that time contracts can be let by the City and the corporation for construction of the sewers and separation basins.

So, gentlemen, you can see that towards mid-summer there should be a lot of dust in the air—but for the first time caused by the actual construction of Omaha's packinghouse waste collecting and processing system.

Turning for a moment to the corporation itself, our immediate task is to issue $4,800,000 principal amount of bonds. So far, in a manner of speaking, we have been operating on full faith and credit. The day after the lease-purchase agreement was entered into with the City, the corporation submitted to the Internal Revenue Service its request for a ruling on the tax-exempt nature of the bonds—an indispensable condition precedent to their sale. Several conferences ensued and, by mid-January, there was general agreement that the corporation should elect to proceed under a different published revenue ruling than it had cited in its request. This necessitated making certain changes in the lease-purchase agreement and the operating agreement and resubmitting its request to the Internal Revenue Service. This work has been completed and the revised request is now pending in the Internal Revenue Service. We are reasonably confident a ruling will be forthcoming in the near future.

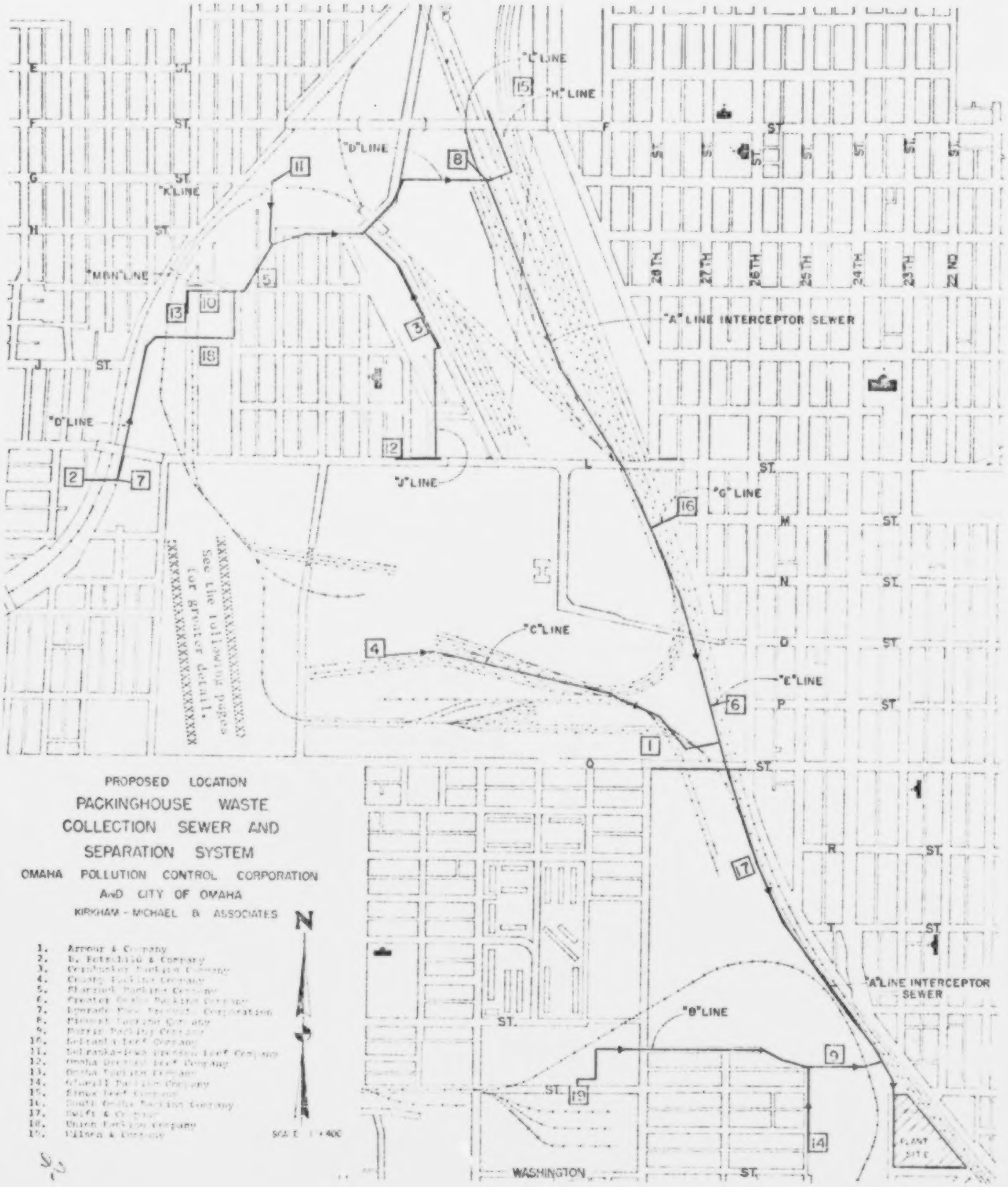
2- 38

Of course, when it is the corporation must return to the City Council for approval of the amendments before we are in a position to issue the bonds. Because the changes that were made were adopted solely to comply with a revenue ruling which was not contemplated when the contracts were drafted—and these changes inure to the benefit of the City—I am hopeful of City Council approval. It is perhaps important to add that the City officials were closely advised of all developments and consulted during each step of way.

While, therefore, the corporation is still 30 to 60 days away from issuing its bonds, my earlier remarks have indicated that this development has not detained the work on the project in any respect. The timetables for engineering and construction are being met and we have complete confidence that the work will continue on schedule as designated.

In an editorial in Life Magazine on August 12, 1966, it was stated that "there is a good chance that 1966 will be remembered as the year when Americans finally got fed up with pollution." Certainly for the citizens of Omaha it was a year of decision. They themselves by an overwhelming vote approved a substantial bond issue earmarked for pollution abatement. The City Fathers endorsed a plan for the treatment of packinghouse waste and by a unanimous vote approved the contracts to implement it. Mayor Sorensen and Mr. Korbitz have from the start accorded this project the highest priority and have continued to spare no effort to insure that it becomes a reality. No greater confidence could be expressed in the continued prosperity of our principal industry—no greater faith could be shown to our neighbors who also rely upon and utilize the Missouri River.

March 7, 1967



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See the following pages for greater detail.
N

PROPOSED LOCATION

PACKINGHOUSE WASTE
COLLECTION SEWER AND
SEPARATION SYSTEM

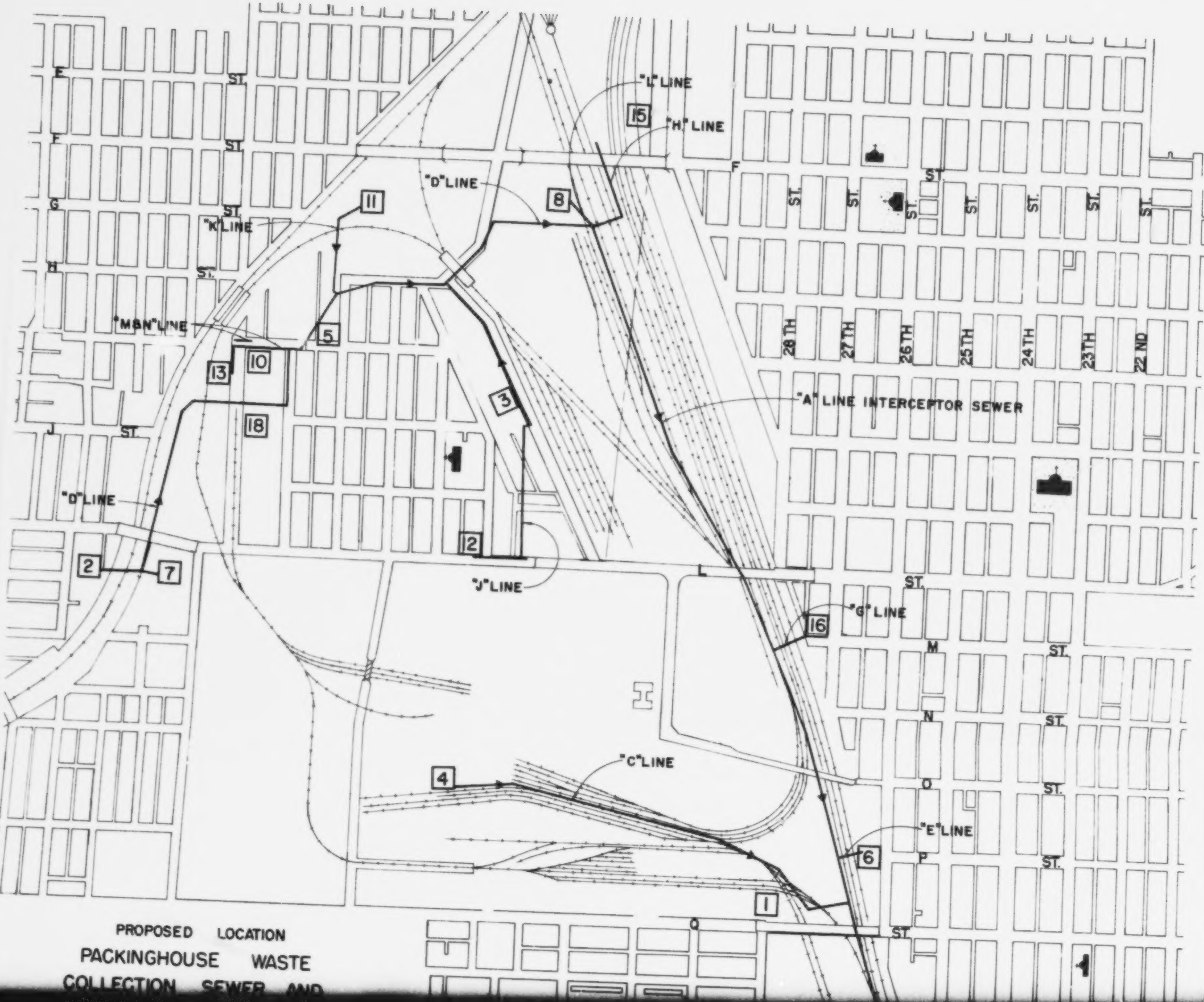
OMAHA POLLUTION CONTROL CORPORATION
AND CITY OF OMAHA

KIRKHAM - MICHAEL & ASSOCIATES

1. Armour & Company
2. B. Rotschild & Company
3. Cornhusker Packing Company
4. Cudahy Packing Company
5. [illegible] Packing Company
6. Greater Omaha Packing Company
7. [illegible] Meat Products Corporation
8. [illegible] Packing Company
9. Morris Packing Company
10. Nebraska Beef Company
11. Nebraska-Iowa Dressed Beef Company
12. Omaha Dressed Beef Company
13. Omaha Packing Company
14. O'Neill Packing Company
15. Sioux Beef Company
16. South Omaha Packing Company
17. Swift & Company
18. Union Packing Company
19. Wilson & Company

SCALE 1" = 400'

92-41



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"A" LINE INTERCEPTOR SEWER
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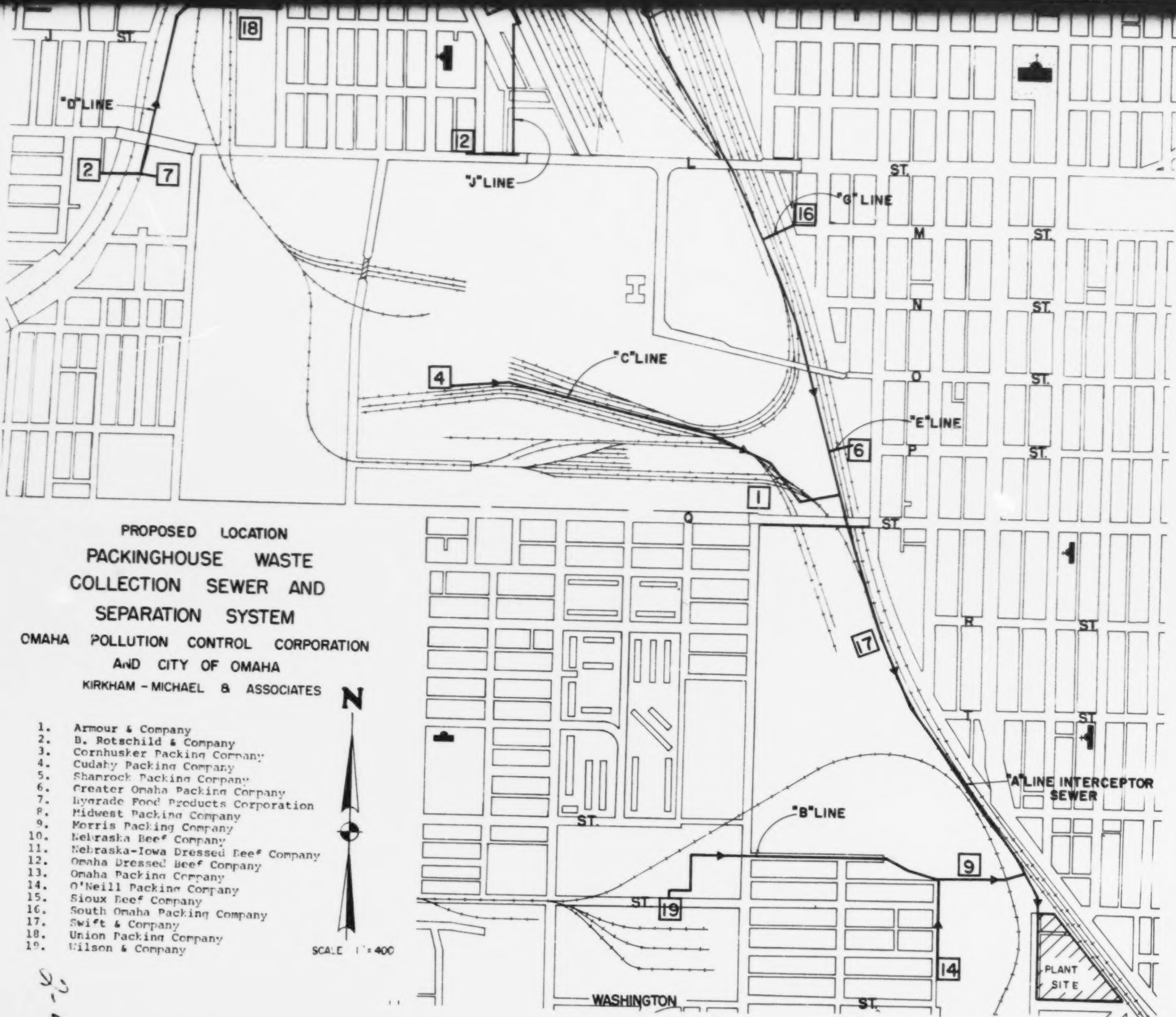
PROPOSED LOCATION
PACKINGHOUSE WASTE
COLLECTION SEWER AND


"D" LINE
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SCALE 1" = 400

PROPOSED LOCATION
PACKINGHOUSE WASTE
COLLECTION SEWER AND
SEPARATION SYSTEM
OMAHA POLLUTION CONTROL CORPORATION
AND CITY OF OMAHA
KIRKHAM - MICHAEL & ASSOCIATES

1. Armour & Company
2. B. Rotschild & Company
3. Cornhusker Packing Company
4. Cudahy Packing Company
5. Shamrock Packing Company
6. Greater Omaha Packing Company
7. Hygrade Food Products Corporation
8. Midwest Packing Company
9. Morris Packing Company
10. Nebraska Beef Company
11. Nebraska-Iowa Dressed Beef Company
12. Omaha Dressed Beef Company
13. Omaha Packing Company
14. O'Neill Packing Company
15. Sioux Beef Company
16. South Omaha Packing Company
17. Swift & Company
18. Union Packing Company
19. Wilson & Company

October 14, 1966

Honorable Stewart L. Udall
Secretary of the Interior
Washington, D.C.

The Missouri Water Pollution Board on October 13, 1966 meeting at Maryville, Missouri with representatives of Kansas and Iowa pollution control agencies, considered the lack of satisfactory progress in abating pollution of the Missouri River by the City of Omaha, Nebraska. Adequate treatment of packing house waste has not been provided, and enforcement of city ordinances designed to reduce the waste contributed to the municipal sewer system are not being enforced. The construction of adequate waste treatment works by December 15, 1966 can not, in our judgment, be accomplished. The water supply at St. Joseph, Missouri continues to receive grease at the water supply intake, which we believe originates in the packing house area, Omaha, Nebraska. You are requested to proceed with a public hearing at the earliest practical date. A public hearing is authorized by Public Law 660.

If the Water Pollution Board of Missouri can be of assistance in abating pollution of the Missouri River, Omaha area, please advise.

Jack K. Smith
Executive Secretary
Missouri Water Pollution Board

6.12201 Missouri River

December 30, 1966

Honorable Stewart L. Udall
Secretary of the Interior
Washington, D.C.

On October 14, 1966 the Missouri Water Pollution Board requested that you proceed with a public hearing because of the lack of progress in abating pollution in the Missouri River below Omaha, Nebraska.

The quantity of grease at the St. Joseph Water Supply intake continues to create problems, and there is no noticeable reduction in the volume compared with previous years.

The deadline for installing remedial works at Omaha was December 15, 1966.

You are again requested to proceed with appropriate enforcement action at the earliest practical date.

Jack K. Smith
Executive Secretary
Missouri Water Pollution Board

I am Lorin Otto. I represent the District Engineer, Corps of Engineers, Omaha District. The Omaha District includes the entire Missouri River watershed upstream from the Nebraska-Kansas State Line.

We are most happy to have been invited to your conference, since one of the main responsibilities of the Corps is to help plan and actively participate in the conservation of national water resources. It is realized that the responsibilities are tremendous in what we all agree is a long overdue concerted effort to control pollution of our waterways. Needless to say, the very best efforts of all Federal, State, and local governments will be required to cope with this staggering problem. To this end, you may rest assured that the Corps is solidly behind such an effort and will do all in our authority to support and assist in the movement.

Toward this end, the Corps has only very limited statutory authority in the matter of control of stream pollution. Essentially it is limited to responsibility for control of the discharge or placement of solids in a waterway where it could adversely affect navigation.

Fortunately, this is not a problem of consequence in this particular area. For this reason, I feel that it would be more appropriate for me to listen than to speak extensively.

Indirectly, however, we have been able to assist in cleaning up the Missouri River by the following actions:

1. We have equipped our boats and dredges with modern sewage treatment facilities.
2. We are able to prohibit the discharge of sewage into our tremendous Missouri River Reservoirs by virtue of the fact

that they are on Federally owned land. It is realized that pollution by pesticides and the like through natural drainage channels into the reservoirs remains as a long range problem.

3. By control of river flows, particularly during the late summer and winter months, a flow of water greatly exceeding the previous natural flows, has resulted in a far greater dilution potential for some of the uncontrolled contaminents.

4. The upstream reservoirs, needless to say, have tremendously reduced the silt content of the water in this area. The water discharged from these reservoirs is crystal clear. For example, the average annual suspended sediment load passing Omaha prior to the operation of the dams was estimated at 175 million tons. It is now estimated at about 35 million tons. This has been a significant factor in municipal water treatment.

We have in the past attempted to work hand-in-glove with the Health Agencies concerned with water pollution. We are here to learn how we can assist. Again I say, we shall continue to do so enthusiastically to the limit of our authority.

Thank you.

STATEMENT*

by

Aleck Alexander, P.E.**

We appreciate the invitation to participate in this important conference as the Federal government's official public health agency. I am Director of the Water Supply Program of the Public Health Service, Department of Health, Education and Welfare, Region VI, which includes seven states: the States of Missouri, Kansas, Nebraska, and Iowa which are involved in this interstate pollution conference, and the States of North Dakota, South Dakota, and Minnesota.

The conference was called because untreated wastes from one state were believed to endanger health and welfare of persons in another state and subsequent action has been directed toward the reduction-elimination of this threat. The Conference Chairman, Mr. Stein, has again today referred to the potential health hazards; so, I am pleased to be here to continue representation and participation of the Public Health Service, Department of Health, Education and Welfare, and specifically the Public Health Service, in this cooperative job of protecting the public health, which is our basic responsibility.

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* Presented at the Progress Evaluation Meeting in the Matter of Pollution of the Interstate Waters of the Missouri River; Omaha, Nebraska; March 8, 1967

** Regional Program Director, Water Supply Program, U.S. Public Health Service, Department of Health, Education and Welfare, Region VI, Kansas City, Missouri

Although all of the previous conferences and meetings were conducted by the Department of Health, Education and Welfare, our role has been modified and our responsibilities altered. The Public Health Service is still fully responsible for the Federal program of safeguarding the quality of municipal-domestic water supplies, and we are greatly concerned about this responsibility. In this Region, there are some 70 water supplies which are sources for interstate carriers and we have a direct responsibility on these. For other domestic water supplies in the states, we cooperate and consult with State Health Departments in their municipal water supply programs. In regard to the Missouri River below Omaha, there are 15 municipal-domestic water supplies which derive their raw water from this stream. We join with the conferees in their desire for abatement of the Omaha problem as soon as possible.

In the field of water pollution control, our entire program, responsibilities, and activities are directed toward the public health features. Our activities include studies and research, and consultation to the Federal Water Pollution Control Administration in their pollution control program.

Since the recent transfer of water pollution control activities to the Federal Water Pollution Control Administration, which is now in the Department of the Interior, activities in the public health aspects of water pollution control, which remained as a Public Health Service responsibility, were incorporated into our Water Supply and Sea Resources Program. As a newcomer to this Region, my knowledge of the specific water pollution problems of this Region is limited and of a general nature. This meeting, my first on this problem, has been an excellent introduction into the nature, status, and history of the cooperative actions and programs for improvement and preservation of Missouri River water quality by Omaha, the water pollution control agencies of the four states, and the Federal Water Pollution Control Administration.

We in the Public Health Service are ready and anxious to do whatever we can to cooperate and assist in the job of safeguarding the quality of Missouri River water which is an important raw water source for many persons downstream and to otherwise protect the public health.

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GSA-KANSAS CITY-67-[illegible]